

IN THE MATTER OF THE
PETITION OF RAYMOND F. PLUM, ET UX
FOR SPECIAL HEARING
W/S YEHO ROAD
290' S OF THE
CENTERLINE OF BENSON MILL ROAD
(16334 YEHO ROAD)
5th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF BALTIMORE COUNTY
* CASE NO. 92-484-SPH

OPINION AND ORDER

Case No. 92-484-SPH comes before the Board of Appeals from a decision of the Deputy Zoning Commissioner granting the relief requested in a Petition for Special Hearing with restrictions. Appeal was taken by People's Counsel due to the erroneous reliance below on RSD-7 and County Council Bill 199-90. It was agreed between all the parties that in lieu of testimony the record before the Deputy Zoning Commissioner, all Exhibits and the tapes from the Deputy Zoning Commissioner's hearing would be made part of the Board's record. The Board has carefully considered the record and all of the factors in finding as ordered below.

Appearing below on behalf of the Petitioners were Raymond F. Plum, property owner; George E. Gavrelis, Land Planner; Joseph and Doris Suter, adjoining property owners; James and Nancy Lamont, adjoining property owners; and Jack G. Kamps, nearby resident. Appearing as a Protestant in the matter was Margaret Worrall, Executive Secretary of the Valleys Planning Council.

The proffered testimony presented by Julius W. Lichter, Esquire, indicated that the subject property, known as 16334 Yeoho Road, now consists of 12.76 acres, more or less, which is part of three parcels having been acquired by Mr. Plum, one of the Petitioners by Deed recorded in Liber 4337 folio 583 among the Land Records of Baltimore County in 1964, Exhibit No. 1, and which in

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Case No. 92-484-SPH Raymond F. Plum, et ux

the adoption of the 1980 Comprehensive Zoning Map was then and is now zoned R.C.-2 and is improved with two single family dwellings and a barn. One single family dwelling and barn being located on the northwest corner of Benson Mill and Yeoho Roads and the second single family dwelling being located on the southwest corner of Benson Mill and Yeoho Roads. Said 12.76 acre property is trisected by the intersection of Yeoho Road and Benson Mill Road into three parcels identified as Parcels A, B and C on Petitioner's Exhibits 1 and 5. These Parcels as identified in this paragraph and Exhibits 1 and 5 refer to the acreages as identified tax parcels as reflected in the records of the State Departments of Assessments and Taxation (the "Tax Parcels"). Currently, (1) Tax Parcel A is located to the north of Benson Mill Road, consists of 1.941 acres more or less, and contains only the existing barn. (2) Tax Parcel C is located on the southwest corner of Benson Mill and Yeoho Roads, consists of 6.6327 acres, more or less, and contains the two existing dwellings, one of which is located on the northwest corner of Benson Mill and Yeoho Roads and the other on the southwest corner of said roads. Benson Mill Road cuts through Tax Parcel C resulting in .6 acres of this parcel being located on the north side of Benson Mill Road immediately adjacent to Tax Parcel A. Tax Parcel B consists of 4.172 acres more or less and is unimproved. The entire Parcel lying on the northwest corner of Benson Mill and Yeoho Roads comprises 2.541 acres more or less and is substantially all of the second parcel described in Liber 4337 folio 583 mentioned above. The Petitioners are desirous of subdividing the 12.76 acre property into a total of four building lots and the

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Protestants do not oppose the division of the Property into four (4) building lots, each containing their own density unit, with the non-density transfer of .6 acres from Tax Parcel C to Tax Parcel A forming one lot. The four parcels would be as follows: (1) New Parcel A would consist of 2.541 acres, more or less, and contain the frame dwelling, highlighted in yellow on Petitioner's Exhibit 5, and the existing barn. This would create one parcel of land containing both the dwelling and barn on the same side of the street. The Petitioners request that one density unit be associated with this parcel by virtue of the existing dwelling. There is no opposition to this request. (2) Tax Parcel C would contain 6.0527 acres, more or less, on which is located the second single family dwelling by virtue of the existing dwelling. (3) Tax Parcel B, which currently consists of 4.172 acres, is proposed to be made capable of being subdivided into two lots, with one density unit for each lot.

As is the case when dealing with the issue of density in the R.C.-2 zone, it becomes necessary to give a historical background of the property. It also becomes necessary to take into consideration the size and configuration of the property as it existed on November 25, 1979, the effective date of the R.C.-2 regulations which govern these properties.

In November, 1979, the subject property existed the same as it exists today in accordance with Petitioner's Exhibit 1. Therefore, based on the R.C.-2 regulations effective November, 1979, notwithstanding Zoning Commissioner's Policy RSD-7 as then in effect, this 12.76 acre property is permitted to be subdivided into

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four parcels. The Petitioner, immediately upon acquiring the total acreage in 1964 intended to transfer the 2.5 acre more or less parcel lying on the northwest corner of Yeoho and Benson Mill Roads together with a house and barn as a separate parcel as evidenced by the mortgage recorded among the Land Records of Baltimore County in Liber 4337 folio 586 entered into the record. Upon discovering the failure to also record the Deed, the Petitioners were not able to correct the failure as the attorney who handled the transaction is no longer practicing law and no files and documents are available.

In 1973, the Petitioner obtained a building permit to construct the dwelling located on the property lying on the southwest corner of Yeoho and Benson Mill Roads. These transactions took place prior to the effective date of the Resource Conservation legislation.

The uncontradicted testimony and evidence submitted reflects that the Petitioners acquired two separate parcels of ground each containing more than two acres and are entitled to a division into four separate lots in accordance with the R.C.-2 regulations without relying on Policy RSD-7 or Bill No. 199-90.

The uncontradicted testimony at the hearing established that the Petitioner effectively and legally acted to establish the parcel on the northwest corner of Yeoho and Benson Mill Roads prior to the adoption of the RC regulations by separating the 2.5 acres more or less as a parcel of record and also effectively established the portion of the property lying on the southwest corner of Yeoho and Benson Mill Roads as a separate parcel by obtaining a building

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permit to construct a single family dwelling thereon, thereby leaving the remaining Parcel B as a separate parcel subject to being divided into two separate lots, prior to the adoption of the RC regulations, prior to the change in the RC regulations in 1979, prior to subjecting the Property to the RC2 regulations pursuant to the 1980 Comprehensive Zoning Map, prior to the Gudeman vs. People's Counsel case, and prior to the adoption of Bill NO. 199-90.

Accordingly, we find that there existed prior to the effective date of the RC regulations on November 25, 1979 and prior to the adoption of the 1980 Comprehensive Zoning Map imposing the R.C.-2 classification on the property, two Parcels of record, each capable of being divided into two lots in accordance with said R.C.-2 regulations thereby permitting the division of the property into a total of four separate density lots associated with the combined 12.76 acres. They shall be distributed as follows: One density unit shall be associated with total lot of 2.541 acres on which is located a dwelling and barn on the Northwest corner of Benson Mill and Yeoho Roads pursuant to the non-density transfer of .6 acres from Parcel C. A second density unit shall be associated with the Lot of 6.0527 acres on the southwest corner of Benson Mill and Yeoho Roads containing a single family dwelling unit after deducting and transferring .6 acres to Parcel A. The remaining two density units shall be associated with Parcel B which is currently unimproved and consists of 4.172 acres which Parcel may be subdivided into a total of two (2) lots should the Petitioners so desire. There shall be no further subdivision of the property

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beyond four (4) lots. This finding is consistent with the Zoning Plans Advisory Committee comments submitted by the Office of Planning dated June 29, 1992 and consistent with the position of the Protestants. Further, the Board finds that the allocation of the four building lots will not adversely affect the public health, safety and general welfare of the local community involved and will not be detrimental to other agricultural uses in the area.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the Petition for the Special Hearing were not granted. It has been established that the requirements from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to these particular parcels. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief sought via special hearing should be granted.

THEREFORE, IT IS ORDERED this 3rd day of December, 1992 by the County Board of Appeals for Baltimore County that the Petition for Special Hearing requesting approval of the subdivision of 12.76 acres, more or less, with the non-density transfer of 0.6 Acres into no more than four (4) separate building lots in accordance with Joint Exhibit No. 2 offered to this Board, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners

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Case No. 92-484-SPH Raymond F. Plum, et ux

are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) The permitted four lots granted herein shall be a lot of 2.541 acres more or less located on the northwest corner of Benson Mill and Yeoho Roads, a lot of 6.0527 acres more or less on the southwest corner of Benson Mill and Yeoho Roads and a lot of 4.172 acres more or less on the southeast corner of Benson Mill and Yeoho Roads which may be divided into two lots with one density unit for each of the firstly and secondly referred to lots and two density units for the lastly referred to lots.

3) There shall be no further subdivision of any of the permitted four (4) lots legitimized pursuant to this Order in that all of the density associated with the subject property will have been utilized when so subdivided in accordance within the development regulations.

4) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
FOR BALTIMORE COUNTY

Michael B. Sauer, Acting Chairman

John G. Diney

Harry E. Buchheister, Jr.

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IN RE: PETITION FOR SPECIAL HEARING
W/S Yeoho Road, 290' S of the
c/l of Benson Mill Road
(16334 Yeoho Road)
5th Election District
3rd Councilmanic District
Raymond F. Plum, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-484-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owners of the subject property, Raymond F. and Nancy A. Plum, by and through their attorney, Julius W. Lichter, Esquire, in which the Petitioners request approval of the subdivision of 12.76 acres, more or less, as more particularly described on Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Raymond F. Plum, property owner; George E. Gavrelis, Engineer; Joseph and Doris Suter, adjoining property owners; James and Nancy Lamont, adjoining property owners; and Jack G. Kamps, nearby resident. Appearing as a Protestant in the matter was Margaret Worrall with the Valleys Planning Council.

The proffered testimony presented by Julius W. Lichter, Esquire, indicated that the subject property, known as 16334 Yeoho Road, consists of 12.76 acres, more or less, zoned R.C. 2 and is improved with two single family dwellings and a barn. Said property is trisected by the intersection of Yeoho Road and Benson Mill Road into three parcels identified as Parcels A, B and C on Petitioner's Exhibits 1 and 5. Currently, Parcel A is located to the north of Benson Mill Road, consists of 1.941 acres more or less, and contains only the existing barn. Parcel C is located on the south side of Benson Mill Road, consists of 6.6527 acres, more or less,

ORDER RECEIVED FOR FILING
Date 9/1/92
By [Signature]

IN THE MATTER OF THE
PETITION OF RAYMOND F. PLUM, ET UX
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290' S OF THE
CENTERLINE OF BENSON MILL ROAD
(16334 YEHO ROAD)
5th ELECTION DISTRICT
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Appearing below on behalf of the Petitioners were Raymond F. Plum, property owner; George E. Gavrelis, Land Planner; Joseph and Doris Suter, adjoining property owners; James and Nancy Lamont, adjoining property owners; and Jack G. Kamps, nearby resident. Appearing as a Protestant in the matter was Margaret Worrall, Executive Secretary of the Valleys Planning Council.

The proffered testimony presented by Julius W. Lichter, Esquire, indicated that the subject property, known as 16334 Yeoho Road, now consists of 12.76 acres, more or less, which is part of three parcels having been acquired by Mr. Plum, one of the Petitioners by Deed recorded in Liber 4337 folio 583 among the Land Records of Baltimore County in 1964, Exhibit No. 1, and which in

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Case No. 92-484-SPH Raymond F. Plum, et ux

the adoption of the 1980 Comprehensive Zoning Map was then and is now zoned R.C.-2 and is improved with two single family dwellings and a barn. One single family dwelling and barn being located on the northwest corner of Benson Mill and Yeoho Roads and the second single family dwelling being located on the southwest corner of Benson Mill and Yeoho Roads. Said 12.76 acre property is trisected by the intersection of Yeoho Road and Benson Mill Road into three parcels identified as Parcels A, B and C on Petitioner's Exhibits 1 and 5. These Parcels as identified in this paragraph and Exhibits 1 and 5 refer to the acreages as identified tax parcels as reflected in the records of the State Departments of Assessments and Taxation (the "Tax Parcels"). Currently, (1) Tax Parcel A is located to the north of Benson Mill Road, consists of 1.941 acres more or less, and contains only the existing barn. (2) Tax Parcel C is located on the southwest corner of Benson Mill and Yeoho Roads, consists of 6.6327 acres, more or less, and contains the two existing dwellings, one of which is located on the northwest corner of Benson Mill and Yeoho Roads and the other on the southwest corner of said roads. Benson Mill Road cuts through Tax Parcel C resulting in .6 acres of this parcel being located on the north side of Benson Mill Road immediately adjacent to Tax Parcel A. Tax Parcel B consists of 4.172 acres more or less and is unimproved. The entire Parcel lying on the northwest corner of Benson Mill and Yeoho Roads comprises 2.541 acres more or less and is substantially all of the second parcel described in Liber 4337 folio 583 mentioned above. The Petitioners are desirous of subdividing the 12.76 acre property into a total of four building lots and the

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Protestants do not oppose the division of the Property into four (4) building lots, each containing their own density unit, with the non-density transfer of .6 acres from Tax Parcel C to Tax Parcel A forming one lot. The four parcels would be as follows: (1) New Parcel A would consist of 2.541 acres, more or less, and contain the frame dwelling, highlighted in yellow on Petitioner's Exhibit 5, and the existing barn. This would create one parcel of land containing both the dwelling and barn on the same side of the street. The Petitioners request that one density unit be associated with this parcel by virtue of the existing dwelling. There is no opposition to this request. (2) Tax Parcel C would contain 6.0527 acres, more or less, on which is located the second single family dwelling by virtue of the existing dwelling. (3) Tax Parcel B, which currently consists of 4.172 acres, is proposed to be made capable of being subdivided into two lots, with one density unit for each lot.

As is the case when dealing with the issue of density in the R.C.-2 zone, it becomes necessary to give a historical background of the property. It also becomes necessary to take into consideration the size and configuration of the property as it existed on November 25, 1979, the effective date of the R.C.-2 regulations which govern these properties.

In November, 1979, the subject property existed the same as it exists today in accordance with Petitioner's Exhibit 1. Therefore, based on the R.C.-2 regulations effective November, 1979, notwithstanding Zoning Commissioner's Policy RSD-7 as then in effect, this 12.76 acre property is permitted to be subdivided into

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four parcels. The Petitioner, immediately upon acquiring the total acreage in 1964 intended to transfer the 2.5 acre more or less parcel lying on the northwest corner of Yeoho and Benson Mill Roads together with a house and barn as a separate parcel as evidenced by the mortgage recorded among the Land Records of Baltimore County in Liber 4337 folio 586 entered into the record. Upon discovering the failure to also record the Deed, the Petitioners were not able to correct the failure as the attorney who handled the transaction is no longer practicing law and no files and documents are available.

In 1973, the Petitioner obtained a building permit to construct the dwelling located on the property lying on the southwest corner of Yeoho and Benson Mill Roads. These transactions took place prior to the effective date of the Resource Conservation legislation.

The uncontradicted testimony and evidence submitted reflects that the Petitioners acquired two separate parcels of ground each containing more than two acres and are entitled to a division into four separate lots in accordance with the R.C.-2 regulations without relying on Policy RSD-7 or Bill No. 199-90.

The uncontradicted testimony at the hearing established that the Petitioner effectively and legally acted to establish the parcel on the northwest corner of Yeoho and Benson Mill Roads prior to the adoption of the RC regulations by separating the 2.5 acres more or less as a parcel of record and also effectively established the portion of the property lying on the southwest corner of Yeoho and Benson Mill Roads as a separate parcel by obtaining a building

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permit to construct a single family dwelling thereon, thereby leaving the remaining Parcel B as a separate parcel subject to being divided into two separate lots, prior to the adoption of the RC regulations, prior to the change in the RC regulations in 1979, prior to subjecting the Property to the RC2 regulations pursuant to the 1980 Comprehensive Zoning Map, prior to the Gudeman vs. People's Counsel case, and prior to the adoption of Bill NO. 199-90.

Accordingly, we find that there existed prior to the effective date of the RC regulations on November 25, 1979 and prior to the adoption of the 1980 Comprehensive Zoning Map imposing the R.C.-2 classification on the property, two Parcels of record, each capable of being divided into two lots in accordance with said R.C.-2 regulations thereby permitting the division of the property into a total of four separate density lots associated with the combined 12.76 acres. They shall be distributed as follows: One density unit shall be associated with total lot of 2.541 acres on which is located a dwelling and barn on the Northwest corner of Benson Mill and Yeoho Roads pursuant to the non-density transfer of .6 acres from Parcel C. A second density unit shall be associated with the Lot of 6.0527 acres on the southwest corner of Benson Mill and Yeoho Roads containing a single family dwelling unit after deducting and transferring .6 acres to Parcel A. The remaining two density units shall be associated with Parcel B which is currently unimproved and consists of 4.172 acres which Parcel may be subdivided into a total of two (2) lots should the Petitioners so desire. There shall be no further subdivision of the property

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beyond four (4) lots. This finding is consistent with the Zoning Plans Advisory Committee comments submitted by the Office of Planning dated June 29, 1992 and consistent with the position of the Protestants. Further, the Board finds that the allocation of the four building lots will not adversely affect the public health, safety and general welfare of the local community involved and will not be detrimental to other agricultural uses in the area.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the Petition for the Special Hearing were not granted. It has been established that the requirements from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to these particular parcels. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief sought via special hearing should be granted.

THEREFORE, IT IS ORDERED this 3rd day of December, 1992 by the County Board of Appeals for Baltimore County that the Petition for Special Hearing requesting approval of the subdivision of 12.76 acres, more or less, with the non-density transfer of 0.6 Acres into no more than four (4) separate building lots in accordance with Joint Exhibit No. 1 offered to this Board, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners

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Case No. 92-484-SPH Raymond F. Plum, et ux

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2) The permitted four lots granted herein shall be a lot of 2.541 acres more or less located on the northwest corner of Benson Mill and Yeoho Roads, a lot of 6.0527 acres more or less on the southwest corner of Benson Mill and Yeoho Roads and a lot of 4.172 acres more or less on the southeast corner of Benson Mill and Yeoho Roads which may be divided into two lots with one density unit for each of the firstly and secondly referred to lots and two density units for the lastly referred to lots.

3) There shall be no further subdivision of any of the permitted four (4) lots legitimized pursuant to this Order in that all of the density associated with the subject property will have been utilized when so subdivided in accordance within the development regulations.

4) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
FOR BALTIMORE COUNTY

Michael B. Sauer, Acting Chairman

John G. Diney

Harry E. Buchheister, Jr.

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7

IN RE: PETITION FOR SPECIAL HEARING
W/S Yeoho Road, 290' S of the
c/l of Benson Mill Road
(16334 Yeoho Road)
5th Election District
3rd Councilmanic District
Raymond F. Plum, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
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FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owners of the subject property, Raymond F. and Nancy A. Plum, by and through their attorney, Julius W. Lichter, Esquire, in which the Petitioners request approval of the subdivision of 12.76 acres, more or less, as more particularly described on Petitioner's Exhibit 1.

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ORDER RECEIVED FOR FILING
Date 9/1/92
By [Signature]

OFFICE OF FINANCE REVENUE DIVISION TOWSON, MD 21204-4466		BALTIMORE COUNTY, MARYLAND STATE AND COUNTY REAL PROPERTY TAXES		TAXPAYER'S COPY DETACH AND RETAIN	
		BILL DATE		DUPLICATE	
JULY 1, 1990-JUNE 30, 1991		LTV/FINRATIO		7/01/1990	
METROPOLITAN CHARGES	COUNTY TAX	ASSESSMENT	RATE PER \$100	CHARGES	
SEWER BENEFIT	STATE TAX	\$7,170	2.85	\$2,023.57	
SEWER SERVICE			.21	163.06	
WATER BENEFIT					
WATER DISTRIBUTION					
TOTAL METROPOLITAN					
PROPERTY NUMBER, OWNER'S NAME, ADDRESS		GROSS BILL		2,706.63	
2 - CROWN PT RD PLUM, RAYMOND F PLUM, NANCY SPARKS RD 21152		BOOK FOLIO		COUNTY QUANTITY	
LOT BLOCK SEC PLAT		INTEREST		TOTAL GROSS CHARGE/DENOMINATOR	
6,452 ⁷ AC SES BENSON HILL RD BENSON HILL RD					

MAIL TO: BALCO, P.O. BOX 50000, BALTIMORE, MD 21205
FOR INFORMATION: BALTIMORE COUNTY DEPARTMENT

Baltimore County aforesaid, and described as follows, that is to say:-

Beginning for the same at a point in the 30th or last line of that parcel of land as first described in a deed dated August 3, 1864, and recorded among the Land Records of Baltimore County in Liber R.R.C. No. 4337, Page 583, was conveyed by Ernest J. Turnbaugh and wife to Raymond F. Plum and Patsy Brumb, said point being distant 518 feet southeasterly from the end thereof, running thence for a new line of division in said first parcel, as now surveyed, about 26 degrees 55 minutes 55 feet to a point in the center of the present road-bed of Benson Mill Road, as now located; thence running for another new line of division in said first parcel, and binding on the center of said road-bed of Benson Mill Road, with the use thereof in common, North 83 degrees 39 minutes West 90 feet to a point of intersection with the center of the present road-bed of Yehoe Road, as now located; thence running for another new line of division, in said first parcel, in or near the center of said road-bed of Yehoe Road, with the use thereof in common, North 37 degrees West 216 feet to a point in the center of said road-bed of Yehoe Road; thence running for another new line of division, in said first parcel, and binding on the center of said road-bed of Yehoe Road, as now located, and still in or near the center of said road-bed of Yehoe Road, North 45 degrees 35 minutes 25 seconds West 259.18 feet to a point in the center of said road-bed of Yehoe Road, said point also being in the 5th line of the second parcel of said deed and being distant 10.07 feet southeasterly from the end thereof, and then running for a new line of division, in said first parcel, as now surveyed, South 43 degrees 50 minutes 30 seconds West 298.47 feet to a point at

This image shows a blank, aged, cream-colored page, likely an endpaper or flyleaf of a book. The paper has a slightly textured appearance with some faint smudges and discoloration, characteristic of old paper. The left edge of the page is bound, showing the inner hinge and some stitching. There is no text or other markings on the page.This image shows a blank, aged, cream-colored page, likely an endpaper or flyleaf of a book. The paper has a slightly textured appearance with some faint smudges and discoloration, particularly towards the bottom right. The left edge of the page is bound into a dark, textured cover, which is visible as a vertical strip on the left side of the frame. The overall lighting is even, highlighting the subtle variations in the paper's tone.

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and contains the two existing dwellings, one of which is located on the north side of Benson Mill Road. Benson Mill Road cuts through Parcel C resulting in .6 acres of this parcel being located on the north side of Benson Mill Road immediately adjacent to Parcel A. Parcel B consists of 4.172 acres more or less and is unimproved. The Petitioners are desirous of subdividing the property into four parcels, each containing their own density unit, and the non-density transfer of .6 acres from Parcel C to Parcel A. The four parcels would be as follows: New Parcel A would consist of 2.541 acres, more or less, and contain the frame dwelling, high-lighted in yellow on Petitioner's Exhibit 5, and the existing barn. This would create one parcel of land containing both the dwelling and barn on the same side of the street. The Petitioners request that one density unit be associated with this parcel by virtue of the existing dwelling. There was no opposition to this request. Parcel C would contain 6.0527 acres, more or less, and contain the remaining single family dwelling. Parcel B, which currently consists of 4.172 acres, is proposed to be subdivided into two parcels, with one density unit for each parcel.

As is the case when dealing with the issue of density in the R.C.2 zone, it becomes necessary to give a historical background of the property. It also becomes necessary to take into consideration the size and configuration of the property as it existed on November 25, 1979, the effective date of the R.C.2 regulations which govern this particular parcel of land. In November, 1979, the subject property existed the same as it exists today in accordance with Petitioner's Exhibit 1. Therefore, based on the R.C.2 regulations effective November, 1979, this property would be permitted to be subdivided into two parcels.

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It is important to note that this property is trisected into three parcels by Yeoho Road and Benson Mill Road. As of November 25, 1979, based on the policy known as RSD-7, each parcel created by virtue of a public road bisecting the property, would have its density calculated as if it were a separate parcel. This policy existed for approximately 11 years.

However, pursuant to County Council Bill No. 199-90, the policy known as RSD-7 was eradicated. For the most part, Bill No. 199-90 was the result of the case heard by the Court of Special Appeals of Maryland known as Stephen H. Gudeman, et ux, vs. People's Counsel for Baltimore County. The Court of Special Appeals in that case held that the existence of a public road would not create additional density. The County Council agreed and passed Bill No. 199-90. However, the County Council provided an exception to this new law which provided that any individual who relied, to their detriment, and expended sums of their money in furtherance of Policy RSD-7, would be allowed to proceed with the subdivision of their property.

The uncontradicted testimony at the hearing indicates that the Petitioners submitted a plan for the subdivision of Parcel B, the 4.172 acre parcel located south of Benson Mill Road, east of Yeoho Road, in 1989. A site plan of this subdivision was entered into evidence as Petitioner's Exhibit 19. The site plan, prepared by E. F. Raphael and Associates, Registered Professional Land Surveyors, is dated December 17, 1990. Testimony and evidence revealed that the Petitioner spent \$25,000 in furtherance of the subdivision of this parcel. He drilled several wells on the two lots proposed within the 4.172 acre parcel, and performed perc tests and established septic drain fields on each lot. All of this was

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done in furtherance of Policy RSD-7 which would have permitted the subdivision of this 4.172 acre parcel of land until the enactment of Council Bill No. 199-90.

It is clear from the testimony and evidence presented that the Petitioners proceeded with the subdivision of this 4.172 acre parcel of land prior to the passage of Council Bill No. 199-90 and prior to the decision in the Gudeman case heard by the Court of Special Appeals. Therefore, the Petitioners shall be permitted to subdivide the 4.172 acre parcel into two lots and shall be permitted one density unit for each lot.

Accordingly, I find that there shall be a total of four density units associated with the entire 12.76 acre parcel of property. They shall be distributed as follows: One density unit shall be associated with Parcel A, which shall include the yellow highlighted area depicted on Petitioner's Exhibit 5, pursuant to the non-density transfer of .6 acres from Parcel C. A second density unit shall be associated with Parcel C, which already contains a single family dwelling unit. Parcel C shall consist of 6.0527 acres once the .6 acres is transferred to Parcel A. The remaining two density units shall be associated with Parcel B which is currently unimproved and consists of 4.172 acres. There shall be no further subdivision of any of the parcels. This finding is consistent with the Zoning Plans Advisory Committee comments submitted by the Office of Planning dated June 29, 1992.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special condi-

- 4 -

tions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10th day of August, 1992 that the Petition for Special Hearing requesting approval of the subdivision of 12.76 acres, more or less, in accordance with Petitioner's Exhibit 5, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Within thirty (30) days of the date of this Order the Petitioners shall submit a new site plan of the subject property incorporating the relief granted herein.

3) Pursuant to Section 502.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), the Petitioners shall record in the Land Records of Baltimore County four (4) separate deeds for each parcel established pursuant to this Order. Each deed shall incorporate a reference to this case and the restrictions and conditions set forth herein. A copy of the recorded deeds shall be forwarded to the Zoning Commissioner's Office for inclusion in the case file prior to the issuance of any building permits.

4) There shall be no further subdivision of any of the four (4) parcels created pursuant to this Order in that all of the density associated with the subject property has been utilized.

- 5 -

- 5) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy H. Kotroco
TIMOTHY H. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

August 10, 1992

(410) 887-4386

Julius W. Lichter, Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
W/S Yeoho Road, 290' S of the c/l of Benson Mill Road
(16334 Benson Mill Road)
5th Election District - 3rd Councilmanic District
Raymond F. Plum, et ux - Petitioners
Case No. 92-484-SPH

Dear Mr. Lichter:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,

Timothy H. Kotroco
TIMOTHY H. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Ms. Margaret Morrall
Valleys Planning Council
P.O. Box 5402, Towson, Md. 21285-5402

People's Counsel
File

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Petition for Special Hearing

to the Zoning Commissioner of Baltimore County RC-2 16334 Yeoho Road

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 506.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the subdivision of 12.76 acres based on unjust circumstances over which the owner had no control and which defacto created sub-parcels which may also be further subdivided.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):

Raymond F. Plum
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:

Julius W. Lichter, Esq.
(Type or Print Name)
Signature
Address
City and State

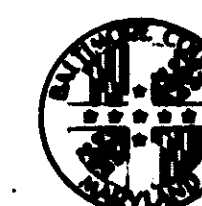
305 W. Chesapeake Ave #113
Towson, MD 21204
City and State

Address
City and State

Attorney's Telephone No.: 321-0600

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Julius W. Lichter, Esq.
305 W. Chesapeake Ave #113
Towson, MD 21204
Address
City and State



OFFICE USE ONLY
ESTIMATED DATES OF HEARING - 1/1/92
AVAILABLE FOR HEARING
ALL NON-PER. PROB. - NEXT TWO MONTHS
OFFICE USE ONLY
DATE 8/11/92

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OFFICIAL DEED - CONVEYANCE - City or County
NO CONSIDERATION
NO TITLE EXAMINATION

87568 337
92-484-SPH

This Deed, Made this 10 day of May JUNE
in the year one thousand nine hundred and Eighty-Seven, by and between
RAYMOND F. PLUM
of Baltimore County /
RAYMOND F. PLUM and NANCY A. PLUM, his wife of Baltimore County in the State of Maryland,
of the second part.
Witneseth, That ~~RAYMOND F. PLUM and NANCY A. PLUM~~ FOR NO CONSIDERATION ASSESSMENTS & TAXATION
the said RAYMOND F. PLUM
does grant and convey unto the said
RAYMOND F. PLUM and NANCY A. PLUM, his wife as tenants by the entireties, their
heirs and assigns, in fee simple, all that
Baltimore County, aforesaid, and described as follows, that is to say:-

STATE DEPARTMENT OF
ASSESSMENTS & TAXATION
DATE 6/11/92
CLERK

TRANSFER TAX NOT REQUIRED
IF APPLICABLE
DATE 6/11/92
CLERK

Beginning for the same at a point in the 30th or last line of that parcel of land as firstly described in a deed dated August 3, 1964, and recorded among the Land Records of Baltimore County in Liber R.R.G. No. 4337, Page 583, was conveyed by Ernest J. Turbaugh and wife to Raymond F. Plum and Nancy A. Plum, said point being distant 518 feet southeasterly from the end thereof, running thence for a new line of division in said first parcel, as now surveyed, south 26 degrees 52 minutes West 561 feet to a point in the center of the present road-bed of Benson Mill Road, as now located; thence running for another new line of division in said first parcel, and binding on the center of said road-bed of Benson Mill Road, with the use thereof in common, North 83 degrees 39 minutes West 90 feet to a point of intersection with the center of the present road-bed of Yeoho Road, as now located; thence running for another new line of division, in said first parcel, in or near the center of said road-bed of Yeoho Road, with the use thereof in common, North 37 degrees West 216 feet to a point in the center of said road-bed of Yeoho Road; thence running for another new line of division, in said first parcel and thru the second parcel as described in said deed, and still in or near the center of said road-bed of Yeoho Road, North 45 degrees 35 minutes 25 seconds West 259.18 feet to a point in the center of said road-bed of Yeoho Road, said point also being in the 5th line of the second parcel of said deed and being distant 10.07 feet southeasterly from the end thereof; thence running reversely and binding on part of said 5th line, as now surveyed, South 43 degrees 50 minutes 30 seconds West 298.47 feet to a point at the end of the second line of that lot of ground as described in a deed dated August 23, 1964 and recorded among the Land Records of Baltimore County in Liber M.J.R. No. 3746, Page 511, was conveyed by John R. Bridges and wife to Charles E. Nelson and wife; thence running and binding on the 3rd and 4th lines of said lot, south 32 degrees 08 minutes 30 seconds West, in all, 251.26 feet to a point in the center of the present road-bed of Benson Mill Road, as now located; thence running in or near the center of said road-bed of Benson Mill Road, with the use thereof in common, the two following courses and distances, viz: South 57 degrees 53 minutes 30 seconds West 135 feet and South 67 degrees 01 minute 40 seconds West 111 feet to a point in the center of the present road-bed of Benson Mill Road, with the use thereof in common, the two following courses and distances, viz: South 57 degrees 53 minutes 30 seconds West 135 feet and South 67 degrees 01 minute 40 seconds West 111 feet to a point in the center of the present road-bed of Benson Mill Road, with the use thereof in common, the two following courses and distances, viz: South 57 degrees 53 minutes 30 seconds West 135 feet and South 67 degrees 01 minute 40 seconds West 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Road, with the use thereof in common, the two following courses and distances, viz: South 57 degrees 53 minutes 30 seconds West 135 feet and South 6

92-484-SPH

thence running and binding on the 20th and 21st lines of said parcel, South 33 degrees 01 minute East, in all, 353.10 feet to a point at the end thereof; thence running and binding on the 22nd line of said parcel, North 61 degrees 34 minutes East 30 seconds East 1244 feet to a point at the southwest edge of the present road-bed of Yeoho Road; thence 1244 feet to a point at the northeast edge of said road-bed of Yeoho Road; thence 306.59 feet to a point at the northeast edge of said road-bed of Yeoho Road; thence running and binding on part of the 24th line of said parcel, North 86 degrees 42 minutes 50 seconds East 330 feet to a point at the end of the third line of that lot of ground as described in a deed dated June 8, 1964, and recorded among the Land Records of Baltimore County in Liber R.R.G. No. 4311, Page 104, was conveyed by Ernest J. Turnbaugh and wife to Maurice U. Turnbaugh and wife; thence running reversely and binding on said 3rd line, North 15 degrees 45 minutes 10 seconds West 384.77 feet to a point in or near the center of said road-bed of Benson Mill Road, with the use thereof in the common, North 74 degrees 46 minutes 50 seconds East 122 feet to a point at the end of the 28th line of said first parcel, hereinafter first mentioned; thence running and binding on the 29th line of said first parcel, North 14 degrees 43 minutes 10 seconds West 416.52 feet to a point at the end thereof and thence running and binding on part of the 30th or last line of said first parcel, North 71 degrees 13 minutes 10 seconds West 324.81 feet to the place of beginning. Which properties has the address of 16400 Yeoho Road, Sparks, Maryland

BEING the same tract of land which by Deed dated January 8, 1970 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 5072, folio 628, was granted and conveyed by Patricia L. Plun and Raymond F. Plun and Hanne F. Plun his wife. The said Hanne F. Plun departed this life on or about December 12, 1978, vesting absolute title to said property in the said Raymond F. Plun.

SAVING AND EXCEPTING therefrom all that property which by Deed dated March 13, 1973, and recorded among the Land Records of Baltimore County in Liber E.H.K.Jr. No. 5342, folio 958, was granted and conveyed by Raymond F. Plun and wife unto James D. Lamont and wife.

SAVING AND EXCEPTING therefrom all that property which by Deed dated September 17, 1979, and recorded among the Land Records of Baltimore County in Liber E.H.K.Jr. No. 6080, folio 686, was granted and conveyed by Raymond F. Plun and wife unto Joseph Richard Suter and wife.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

92-484-SPH

District: 5th Date of Posting: 7-6-92
Posted for: Special Hearing
Petitioner: Raymond F. Plun, et ux
Location of property: W/S of Yeoho Rd., 290' S of c/l Benson Mill Rd.
Location of Sign: West side of Yeoho Rd. at entrance to subject property 16334 Yeoho Rd.
Remarks: S. J. Plun
Posted by: S. J. Plun
Number of Signs: 1

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CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

92-484-SPH

District: 5th Date of Posting: 8/15/92
Posted for: Special Hearing
Petitioner: Raymond F. Plun, et ux
Location of property: W/S of Yeoho Rd. (290' S of Benson Mill Rd.)
Location of Sign: West side of Yeoho Rd. at entrance to subject property 16334 Yeoho Rd.
Remarks: S. J. Plun
Posted by: S. J. Plun
Number of Signs: 1

CERTIFICATE OF PUBLICATION TOWSON, MD.

92-484-SPH

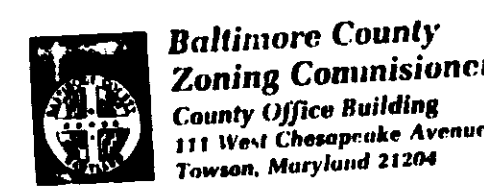
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/25, 1992

THE JEFFERSONIAN,

S. Zeke Orlov

Publisher

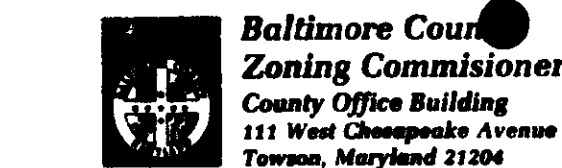
MICROFILMED



receipt

Date: 7/27/92
Account: R-001-6190
Number: 92-484-SPH
PUBLIC HEARING FEE: \$50.00
DRO - POSTING SIGNS - ADVERTISING: \$50.00
TOTAL: \$50.00
LAST NAME OF OWNER: PLUM
Please Make Check Payable to Baltimore County
BA C01137AMD6-11-92

MICROFILMED



92-484-SPH receipt

Date: 7/27/92
Account: R-001-6190
Number: 92-484-SPH
PUBLIC HEARING FEE: \$50.00
DRO - POSTING SIGNS - ADVERTISING: \$50.00
TOTAL: \$50.00
LAST NAME OF OWNER: PLUM
Please Make Check Payable to Baltimore County
BA C00323PMD7-27-92

Cashier Validation

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Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 7-10-92

Raymond and Nancy Plun
18011 Foreston Road
Purkett, Maryland 21120

RE: CASE #92-484-SPH (Item 520)
W/S Yeoho Road, 290' S of c/l Benson Mill Road
16334 Yeoho Road
5th Election District - 3rd Councilmanic
Petitioner(s): Raymond F. Plun, et ux
HEARING: WEDNESDAY, JULY 29, 1992 at 9:00 a.m. in Rm. 106, Office Building.

Dear Petitioner(s):

Please be advised that \$ 60.27 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE HEARING SIGN & POST SIGN(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SIGN(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 106, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Arnold Jablon
DIRECTOR

cc: Julius W. Lichter, Esq.

MICROFILMED

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JUNE 18, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE #92-484-SPH (Item 520)
W/S Yeoho Road, 290' S of c/l Benson Mill Road
16334 Yeoho Road
5th Election District - 3rd Councilmanic
Petitioner(s): Raymond F. Plun, et ux
HEARING: WEDNESDAY, JULY 29, 1992 at 9:00 a.m. in Rm. 106, Office Building.

Special Hearing to approve the subdivision of 12.76 (+/-) acres.

Lawrence E. Schmidt
Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Raymond and Nancy Plun
Julius W. Lichter, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

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111 West Chesapeake Avenue
Towson, MD 21204

July 13, 1992

(410) 887-3353

Julius W. Lichter, Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, MD 21204

RE: Item No. 520, Case No. 92-484-SPH
Petitioner: Raymond F. Plun, et ux
Petition for Special Hearing

Dear Mr. Lichter:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby associated zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

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Development Review Committee Response Form Authorized signature: Julius W. Lichter Date: 6/29/92

File Number	Waiver Number	Zoning Issue	Meeting Date
90476		Stonegate at Patapsco (Aerial Property)	6-1-92
ZON DED	TE	(Waiting for developer to submit plans first)	
COUNT 1			
✓ Joan R. McMahon	FRS-1	6-22-92	NC
DED DEPRM RP STP TE			
BBC Associates	511		Comment
DED DEPRM RP STP TE			
Charles W. And Helen K. Mauerhan/Ronald W. And Diane H. Chapman	512		Comment
DED DEPRM RP STP TE			
Fox Chevrolet, Inc.	513		Comment
DED DEPRM RP STP TE			
Covenant of Grace Presbyterian Church	515		NC
✓ DED DEPRM RP STP TE			
Frederick J. And Michelle Y. Burgesen	517		NC
DED DEPRM RP STP TE			
David Marc And Paul C.S. Rosen	518		NC
✓ DED DEPRM RP STP TE			
David W. And Debra L. Gordon	519		NC
DED DEPRM RP STP TE			
Raymond F. And Nancy A. Plun			NC
✓ DED DEPRM RP STP TE			
Sebastian T. Russell	521		MICROFILMED NC
DED DEPRM RP STP TE			
Michael And Virginia Myers	522		NC

BALTIMORE COUNTY, MARYLAND
OFFICE OF PLANNING AND ZONING
New Courts Bldg - 401 Bowley Avenue, Towson, MD 21204

MEMORANDUM

TO: Arnold Jablon, Director
Zoning Administration & Development Management

FROM: Office of Planning and Zoning

DATE: June 29, 1992

SUBJECT: Plun Property

INFORMATION:

Item Number: 520

Petitioner: Raymond and Nancy Plun

Property Size: 12.8 acres

Zoning: RC 2

Requested Action: Special Hearing

Hearing Date: 7/29/92

SUMMARY OF RECOMMENDATIONS:

The petitioner is requesting a special hearing to approve a subdivision of 12.76 acres in an RC 2 Zone.

The Office of Planning and Zoning recommends APPROVAL of the non-density transfer of land from parcel 05-02-065430 to parcel 05-16-050022.

The Office of Planning and Zoning also recommends APPROVAL of subdividing parcel 16-00-000545 with two parcels. Prior to changes in the B.C.Z.R., RC 2 area regulations (Bill No. 178-79) Mr. Plun legitimately attempted to subdivide this parcel. However, after wells were drilled and perc tests conducted, the lots were not properly recorded.

Finally, the Office of Planning and Zoning recommends DENIAL of the subdivision of the remaining parcel 05-02-065430. This parcel is located within an Agricultural Preservation area and residential development is discouraged in these areas.

Prepared by: Francis Morley

Division Chief: Eric M. Dard

FM:rdn

RECEIVED
JUL 7 1992

ZONING OFFICE

MICROFILMED

520, ZAC/ZAC1

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: June 25, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: June 22, 1992

ITEM NUMBER: 520

Benson Mill Road realignment at Yeoho Road may be required at the time of minor subdivision process.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/dm

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JUN 29 1992
ZONING OFFICE

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BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item 520
#16334 Yeoho Road
Raymond Plum Property
Zoning Advisory Committee Meeting of June 22, 1992

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

This property is located in an agricultural preservation area in which there are numerous agricultural preservation districts, easements and Maryland Environmental Trust easements. The intent of all of these is to protect agricultural land and foster conditions favorable to continued agricultural uses.

The requested petition for density should not be approved because it results in more density than is permitted on the RC2 zone as provided for in RC2B Section 1A01.3.B.1. Furthermore, the County Council made clear its intent to not create density by the fact that properties are separated by a road as indicated by its active on October 1, 1990 to amend Section 1A01.3.B.1.

The petition appears to also be requesting a non-density transfer of 0.6 acres from tax number 05-02-065430 to tax number 05-16-050022 on the property on the NW corner.

This office supports the non-density transfer if conditioned by a note that precludes any further subdivision of that property. The request will permit the combination of the barn area with the house area.

JLP:sp

JABLON/S/TXTSDP

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JUL 7 1992
ZONING OFFICE

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700 East Joppa Road Suite 901
Towson, MD 21204-5500

JUNE 19, 1992

(410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: RAYMOND F. PLUM AND NANCY A. PLUM

Location: #16334 YEOHO ROAD

Item No.: 520 (LJG) Zoning Agenda: JUNE 22, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *C. J. Rosen*
Planning Group
Special Inspection Division

JP/KEK

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JUN 22 1992
ZONING OFFICE

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Department of Recreation and Parks
Development Review Committee Response
Authorized Signature *[Signature]* Date *7/1/92*

Project Name
File Number Waiver Number Zoning Issue Meeting Date

Joan R. McMahon FRAS-1 6-22-92

DED DEPRM RP STP TE *No Comment*
BBC Associates

DED DEPRM RP STP TE *No Comment*
Charles W. And Helen K. Mauerhan/Ronald W. And Diane H. Chapman

DED DEPRM RP STP TE *No Comment*
Fox Chevrolet, Inc.

DED DEPRM RP STP TE *No Comment*
Covenant of Grace Presbyterian Church

DED DEPRM RP STP TE *No Comment*
Frederick J. And Michelle Y. Burgesen

DED DEPRM RP STP TE *No Comment*
David Marc And Paul C.S. Rosen

DED DEPRM RP STP TE *No Comment*
David W. And Debra L. Gordon

DED DEPRM RP STP TE *No Comment*
Raymond F. And Nancy A. Plum

DED DEPRM RP STP TE *No Comment*
Sebastian T. Rossell

DED DEPRM RP STP TE *No Comment*
Michael And Virginia Myers

DED DEPRM RP STP TE *No Comment*

COUNT 11

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
W/S Yeoho Rd., 290' S of C/L of
Benson Mill Rd. (16334 Benson : OF BALTIMORE COUNTY
Mill Rd.), 5th Election District
3rd Councilmanic District :

RAYMOND F. PLUM, et ux, : Case No. 92-484-SPH
Petitioners

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204-4606
(410) 887-2188

I HEREBY CERTIFY that on this 8th day of September, 1992, a copy of the foregoing Entry of Appearance was mailed to Julius W. Lichter, Esquire, 305 W. Chesapeake Ave., Suite 113, Towson, Maryland 21204; and Ms. Margaret Worrall, Valleys Planning Council, P.O. Box 5402, Towson, MD 21285-5402.

Phyllis Cole Friedman
Phyllis Cole Friedman

RECEIVED
9/8/92
ZONING OFFICE

MICROFILMED

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
W/S Yeoho Rd., 290' S of C/L of
Benson Mill Rd. (16334 Benson : OF BALTIMORE COUNTY
Mill Rd.), 5th Election District
3rd Councilmanic District :

RAYMOND F. PLUM, et ux, : Case No. 92-484-SPH
Petitioners

NOTICE OF APPEAL

Please note an appeal from the decision of the Deputy Zoning Commissioner in the above-captioned matter, under date of August 10, 1992, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

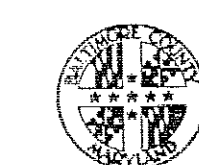
Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204-4606
(410) 887-2188

I HEREBY CERTIFY that on this 8th day of September, 1992, a copy of the foregoing Notice of Appeal was mailed to Julius W. Lichter, Esquire, 305 W. Chesapeake Ave., Suite 113, Towson, Maryland 21204; and Ms. Margaret Worrall, Valleys Planning Council, P.O. Box 5402, Towson, MD 21285-5402.

Phyllis Cole Friedman
Phyllis Cole Friedman

RECEIVED
9/8/92
ZONING OFFICE

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue
October 13, 1992

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 92-484-SPH RAYMOND F. PLUM, ET UX
W/s Yeoho Rd., 290' S of c/l
Benson Mill Road (16334 Benson
Mill Road)
5th Election District;
3rd Councilmanic District

SPH-Approval of subdivision of 12.76 acre parcel

8/10/92 - D.Z.C.'s Order GRANTING
Petition with restrictions.

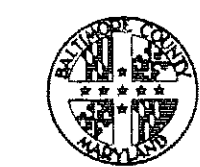
ASSIGNED FOR: THURSDAY, DECEMBER 3, 1992 AT 10:00 a.m.

cc: Mr. and Mrs. Raymond Plum - Petitioners
Julius W. Lichter, Esquire - Counsel for Petitioners
Mr. and Mrs. Joseph Suter
Mr. and Mrs. James Lamont
Mr. Jack G. Kamps
Ms. Margaret Worrall
Valleys Planning Council
Mr. George E. Gavrelis
People's Counsel for Baltimore County - Appellant
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning
Administration

LindaLee M. Kuszmaul
Legal Secretary

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

December 3, 1992

Phyllis Cole Friedman
People's Counsel for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: Case No. 92-484-SPH
Raymond F. Plum, et ux

Dear Ms. Friedman:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Julius W. Lichter, Esquire
Mr. & Mrs. Raymond Plum
George E. Gavrelis
Mr. & Mrs. Joseph Suter
Mr. & Mrs. James Lamont
Mr. Jack G. Kamps
Ms. Margaret Worrall
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk /Zoning
Arnold Jablon, Director of
Zoning Administration
Public Services

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9/24/92 -Ltr from J. Lichter, Esquire, requesting consideration of early hearing date /financial hardship of his client. Appeal taken by People's Counsel; Mr. Lichter indicates that P. Friedman has no problem with early date. Photocopy of attached letter to S. Hess 9/25/92. OK for 12/3/92.

10/13/92 - Following parties notified of hearing set for December 3, 1992 at 10:00 a.m.:

Mr. and Mrs. Raymond Plum
Julius W. Lichter, Esquire
Mr. and Mrs. Joseph Suter
Mr. and Mrs. James Lamont
Mr. Jack G. Kamps
Ms. Margaret Worrall
Valleys Planning Council
Mr. George E. Gavrelis
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon

12/01/92 -T/C from P. Friedman, Esquire -She and J. Lichter, Esquire, have prepared Proposed Order and Stipulation of Facts to be submitted at hearing on December 3, 1992; short hearing.

Balto. Co. Board of Appeals
September 14, 1992
Page 2

Deputy Zoning Commissioner's Order dated August 10, 1992 (Granted with Restrictions)

Notice of Appeal received September 8, 1992 from People's Counsel

cc: Mr. & Mrs. Raymond F. Plum
18011 Foreston Road, Parkton, MD 21120

Julius W. Lichter, Esquire
305 W. Chesapeake Avenue, Suite 113 Towson, Maryland 21204

George E. Gavrelis - Daft, McCune & Walker
200 E. Pennsylvania, Towson, MD 21204

Joseph and Doris Suter, 2210 Benson Mill Road, Baltimore, MD 21152

James and Nancy Lamont, 2313 Benson Mill Road, Baltimore, MD 21152

Jack G. Kamps, 16405 Yeoho Road, Baltimore, MD 21152

Margaret Worrall - Valleys Planning Council
P.O. Box 5402, Towson, Maryland 21285-5402

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of Zoning Administration
and Development Management
Public Services

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Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

September 14, 1992

Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
W/S Yeoho Road, 290' S of the c/l of Benson Mill Road
(16334 Yeoho Road)
5th Election District, 3rd Councilmanic District
RAYMOND F. PLUM, ET UX - Petitioner
Case No. 92-484-SPH

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on September 8, 1992 by People's Counsel for Baltimore County. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

Arnold Jablon

Arnold Jablon - Director
Zoning Administration and
Development Management

LES:cer

Enclosures

cc: Mr. & Mrs. Raymond F. Plum
18011 Foreston Road, Parkton, MD 21120

Julius W. Lichter, Esquire
305 W. Chesapeake Avenue, Suite 113, Towson, Maryland 21204

George E. Gavrelis - Daft, McCune & Walker
200 E. Pennsylvania, Towson, MD 21204



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Balto. Co. Board of Appeal
September 14, 1992
Page 2

Joseph and Doris Suter, 2210 Benson Mill Road, Baltimore, MD 21152

James and Nancy Lamont, 2313 Benson Mill Road, Baltimore, MD 21152

Jack G. Kamps, 16405 Yeoho Road, Baltimore, MD 21152

Margaret Worrall - Valleys Planning Council
P.O. Box 5402, Towson, Maryland 21285-5402

People's Counsel of Baltimore County
Old Courthouse, 400 Washington Avenue, Towson, MD 21204

File

MICROFILMED

APPEAL

Petition for Special Hearing
W/S Yeoho Road, 290' S of C/L of Benson Mill Road
(16334 Benson Mill Road)
5th Election District - 3rd Councilmanic District
RAYMOND F. PLUM, ET UX - Petitioner
Case No. 92-484-SPH

Petition(s) for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments (Included with ZAC Comments)

Petitioner(s)/Protestant(s) Sign-In Sheets

Petitioner's Exhibits: 1. Plat to accompany Petition

2. Deed

3. 1974 B.C.Z.R.

4A1. & 4A2 - Photographs

5. Tax Map

6. No Exhibit Marked "6"

7. - 10. - Microfilm copies of Tax Records

9A - Deed

11. Permits Receipt

12. Bill No. 98-75

13. Policy No. RSD-7

14. Bill No. 178-79

15. Deed

16. Tax Map

17. Tax Bill

17A. Deed

18A.- 18C. - Assessment Inquiries

19. Plat for Percolation Test

Protestant's Exhibits: 1. Letter from Margaret Worrall

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOFFMAN PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-539-4050

LAW OFFICES
LEVIN & GANN

A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

ELIAS LEVIN (1893-1960)

ALIAS W. LICHTER

September 23, 1992

HAND DELIVERED

William T. Hackett, Chairman
Baltimore County Board of Appeals
Court House, Room 49
Towson, MD 21204

RE: Petition for Special Hearing
Petitioners: Raymond F. Plum, et ux,
W/S Yeoho Road, 290' S of C/L of
Benson Mill Road (16334 Benson Mill Road)
Case No. 92-484-SPH

Dear Mr. Hackett:

We are hereby requesting a hearing on the above captioned case at the earliest possible date as the Appellee is under a severe financial strain. We respectfully request the earliest possible hearing date in order that any additional financial hardship may be minimized.

The People's Counsel has advised that they would cooperate and be favorable to an early date for the hearing.

Please advise of the date and time of the appeal hearing. Should you have any questions, please do not hesitate to call.

Sincerely,

Julius W. Lichter

JWL:lap

cc: Mr. and Mrs. Raymond F. Plum

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RECEIVED
COUNTY BOARD OF APPEALS
SEP 24 AM 10:47

12/3/92 @ 10:00 am

1A01.3 (RC-2)

1A01.3--HEIGHT AND AREA REGULATIONS [Bill No. 98-75]

A. Height regulation. No structure hereafter erected in an R.C. 2 zone shall exceed a height of 35 feet, except as otherwise provided under Section 300. [Bill No. 98-75]

B. Area Regulations. [Bill No. 178-79]

1. Subdivision Lot Density.

No lot of record lying within an R.C. 2 zone and having a gross area of less than 2 acres may be subdivided. No such lot having a gross area between 2 and 100 acres may be subdivided into more than 2 lots. Finally, and such a lot having a gross area of more than 100 acres may be subdivided only at the rate of 1 lot for each 50 acres of gross area. [Bill No. 178-79]

2. Lot size. A lot having an area less than 1 acre may not be created in an R.C. 2 zone. [Bill No. 178-79]

3. Setback requirements. No principal structure or dwelling (whether or not it is a principal structure) in an R.C. 2 zone may be situated within 75 feet of the centerline of any street or within 35 feet of any lot line other than a street line. [Bill No. 178-79]

4. Principal dwellings per lot. No more than 1 principal dwelling is permitted on any lot in an R.C. 2 zone. [Bill No. 178-79]

1A01.4--Maryland Agricultural Land Preservation Program.

The use or development of land in an agricultural district established in accordance with Section 2-509 of the Agricultural article of the Annotated Code of Maryland, 1974, 1979 Cumulative Supplement, shall be governed by agricultural land preservation provisions enacted by the County Council pursuant to Section 2-513 of that article in the case of any conflict between those provisions and these regulations. [Bill No. 178-79]

31

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401 Bosley Avenue Suite 412
Towson, MD 21204

887-2240
Fax 828-7914

June 15, 1992

Honorable C. A. Ruppensberger, III
County Council - District # 3

Dear Sir:

We are requesting that a "resolution" be passed that there is no conflict of interest between our being county employees and a "Special Hearing" before the Zoning Commission - Item # 520 for approval of a sub-division of 12.76 plus or minus acres.

I have been an employee for twenty-one years in the Office of Central Services, Vehicle Operation and Maintenance, as a Management Assistant II. My husband, Raymond F. Plum, has been an employee in the Department of Permits and Licenses, Plumbing Inspection, as a Plumbing Inspector for approximately six years.

I pray that this can be handled as expeditiously as possible as this has been a financial hardship on us for a long period of time.

Sincerely,

Nancy A. Plum Raymond F. Plum

Nancy A. Plum Raymond F. Plum

cc: *Laurence Goets*

RECEIVED
JUN 16 1992

ZONING OFFICE

MICROFILMED

NAME
Margaret Woreen

ADDRESS
Valleys Planning Council
P.O. Box 5402
Lanham Md 21085-5402

NAME	ADDRESS
Jules Lichter	
George E. Gavrielis	2011 200 E. Penn. Ave 2120
Raymond F. Plun	
Brian J. Luter	2210 Benbow Mill Rd 2115 ²
Joseph R. Suter	2210 Benson Mill Rd 2115
Jack G. Kramps	1405 Yochu Rd 2115 ²
Nancy Lamont	2313 Benson Mill Rd. 2115 ²
James Lamont	2313 Benson Mill Rd 2115 ²

MICROFILMED

Revised 3-1-80 50370 RD- 24001

This Deed. Made this -----3rd----- day of August

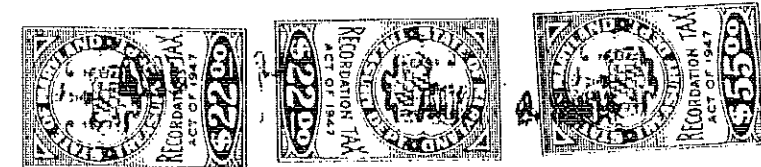
in the year one thousand nine hundred and sixty-four, by and between
Ernest J. Turnbaugh, and Irene M. Turnbaugh, his wife

of Baltimore County, in the State of Maryland, of the first part, and
Raymond F. Plum, and Patsy Bruno,

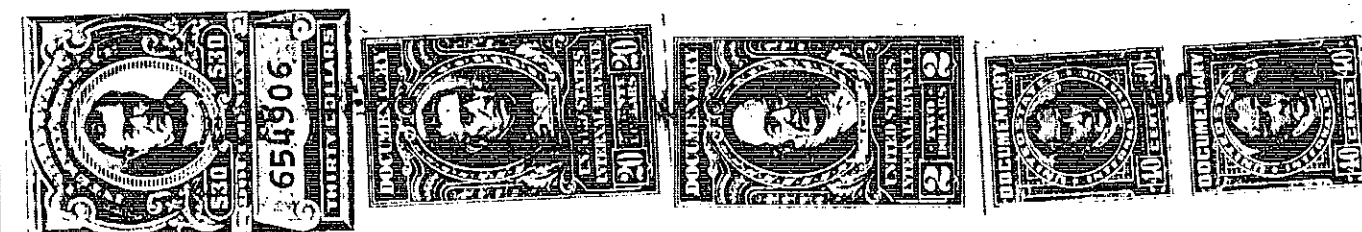
of the second part.

Witnesseth, that in consideration of the sum of five dollars and other good and valuable considerations, the receipt whereof is hereby acknowledged,
the said first parties

do grant and convey unto the said second parties, as tenants in common, their



heirs and assigns, in fee simple, all those three lots or/ ^{parcels} of ~~126~~ ground, situate, lying and being in 5th
Election District of Baltimore County, aforesaid, and described as follows, that is to say:—

[illegible]

1974 B.C.Z.R. Pet Ex #3 1A

ARTICLE 1A—RURAL AND RURAL-SUBURBAN LOW-INTENSITY ZONES
[Bill No. 100, 1970.]

Section 1A00—R.D.P. ZONES (RURAL: DEFERRED-PLANNING). [Bill No. 100, 1970.]

1A00.1—General Provisions. [Bill No. 100, 1970.]

1. ¹ Purpose. The R.D.P. zoning classification is established, pursuant to the legislative findings set forth above, ² in order to:

c. Prevent untimely urban development of relatively open rural land; and

b. Foster conditions favorable to agriculture and other low-intensity uses appropriate in rural areas, considering both the magnitude of total land acreage needed for such uses and the current prospective needs for developable urban land.

[Bill No. 100, 1970.]

Intent as to application of R.D.P. zoning classification to property or removal therefrom. It is intended:

a. That rural land shall be classified within R. D. P. zones unless the Capital Budget and Five-Year Capital Program of Baltimore County and duly adopted official Baltimore County master plans, including the "county plan" required under Article 43, Section 387C of the Annotated Code of Maryland, 1957 (1965 Replacement Volume) as amended, all consistently indicate that such land is to be serviced by public sewerage and water-supply systems and, in the case of those said documents which determine the timing of construction, also consistently provide for the adequacy and availability of such systems for said land by such systems within a period of time measured after the time of construction with respect to such classification; provided further, however, that such unserviced land as is specifically herein described (in this Subparagraph 3 ³ or other provisions in these regulations) as being appropriately otherwise classified shall also be excepted from the category of land which shall be classified as R. D. P.;

b. That land classified as R.D.P. shall not be reclassified (rezoned) until such time as the documents hereinabove noted have been officially changed or replaced in kind and thereby then indicate possible appropriateness of reclassification under the criteria hereinbefore stated;

1. The line designating this subparagraph and those immediately following as parts of a Paragraph "A" was deleted from Bill No. 100, 1970 by amendment after introduction.
2. Findings deleted from Bill No. 100, 1970 by amendment after introduction.
3. Now Subparagraph 2, as a result of amendment of Bill No. 100, 1970 after introduction.

1400.

Parcel A)

Pet Ex #7

Exhibit
#1
7

Ref. Ex #8

Exhibit

PC 9
Part 9 B

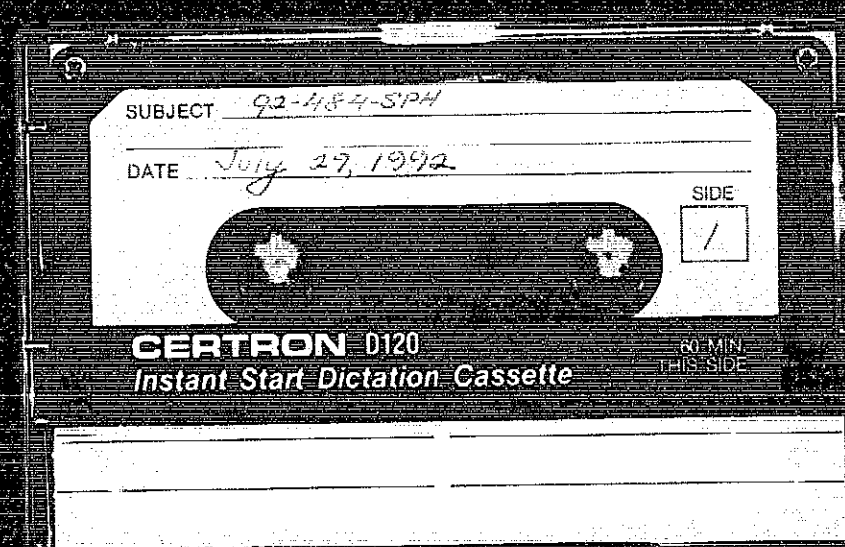
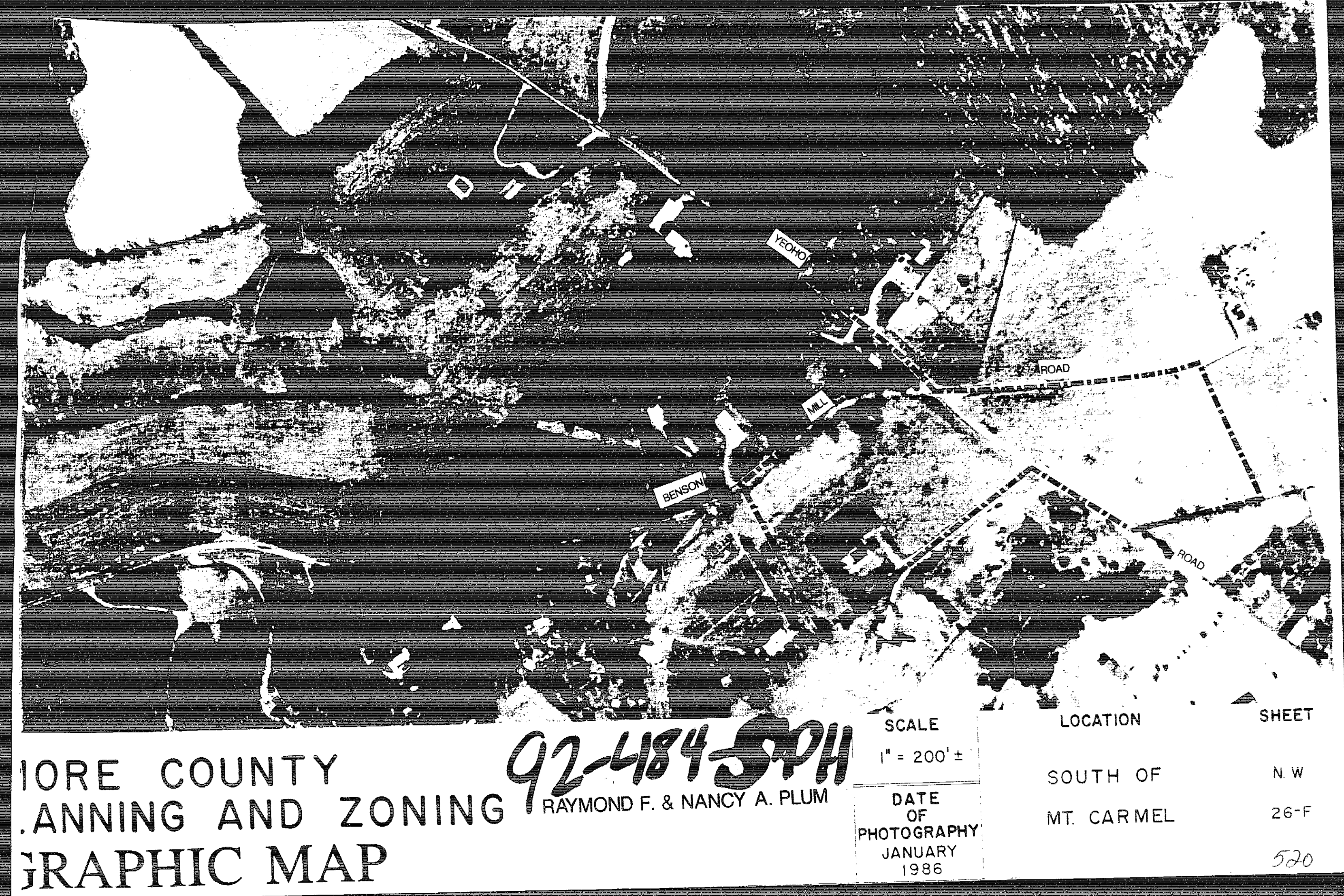
Pet Ex #9

PARCEL (E)

Exhibit #5
8 ~~7~~
Includes
What is
now
Parcel
"E"

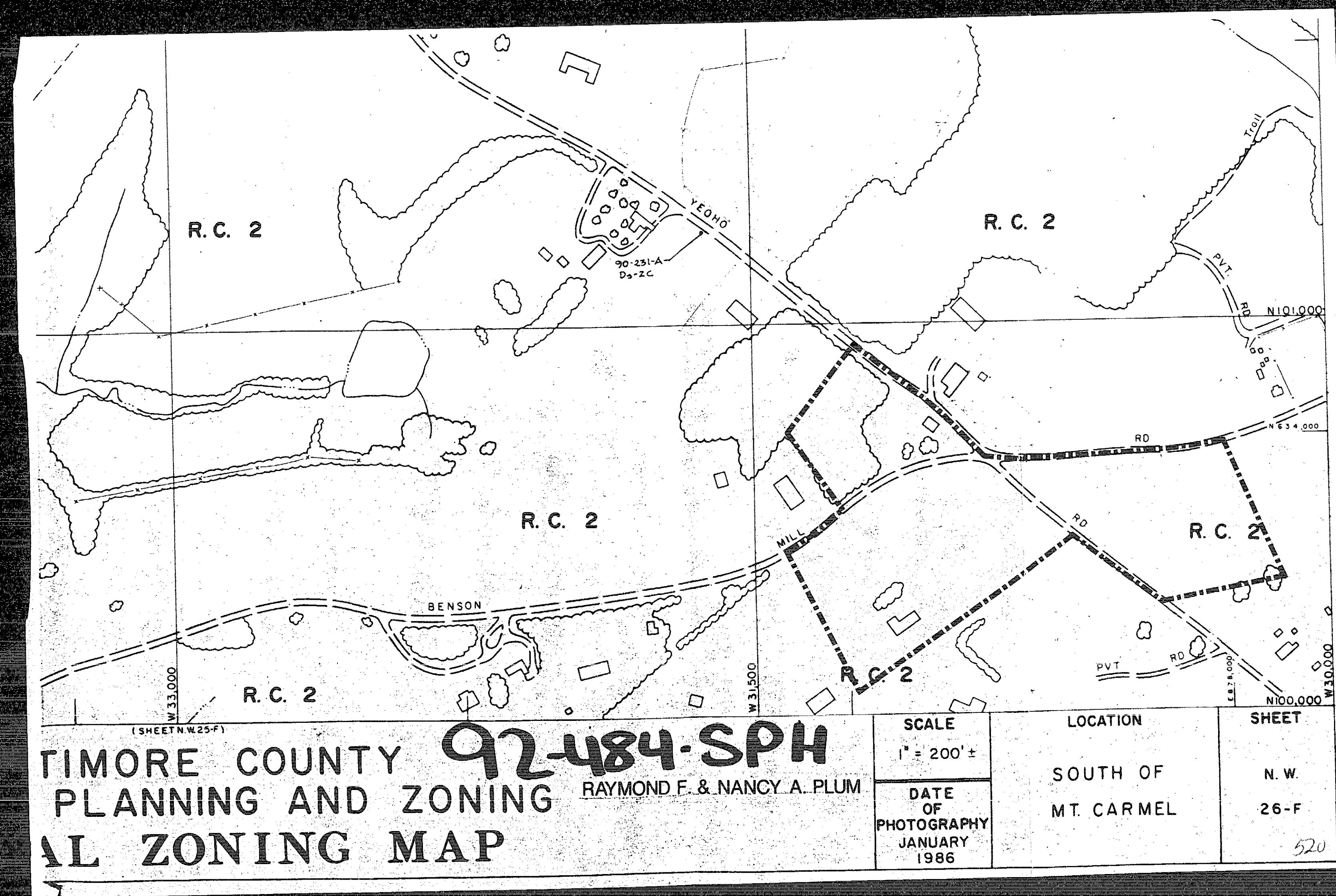
Let $E_X \# 10$

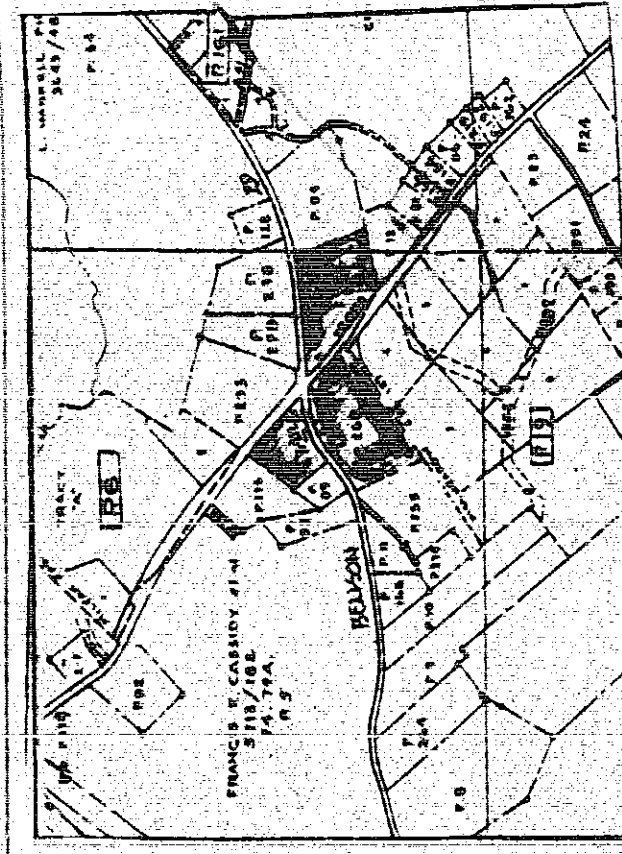
Exhibit #10
Include what not
Pcl
"B"



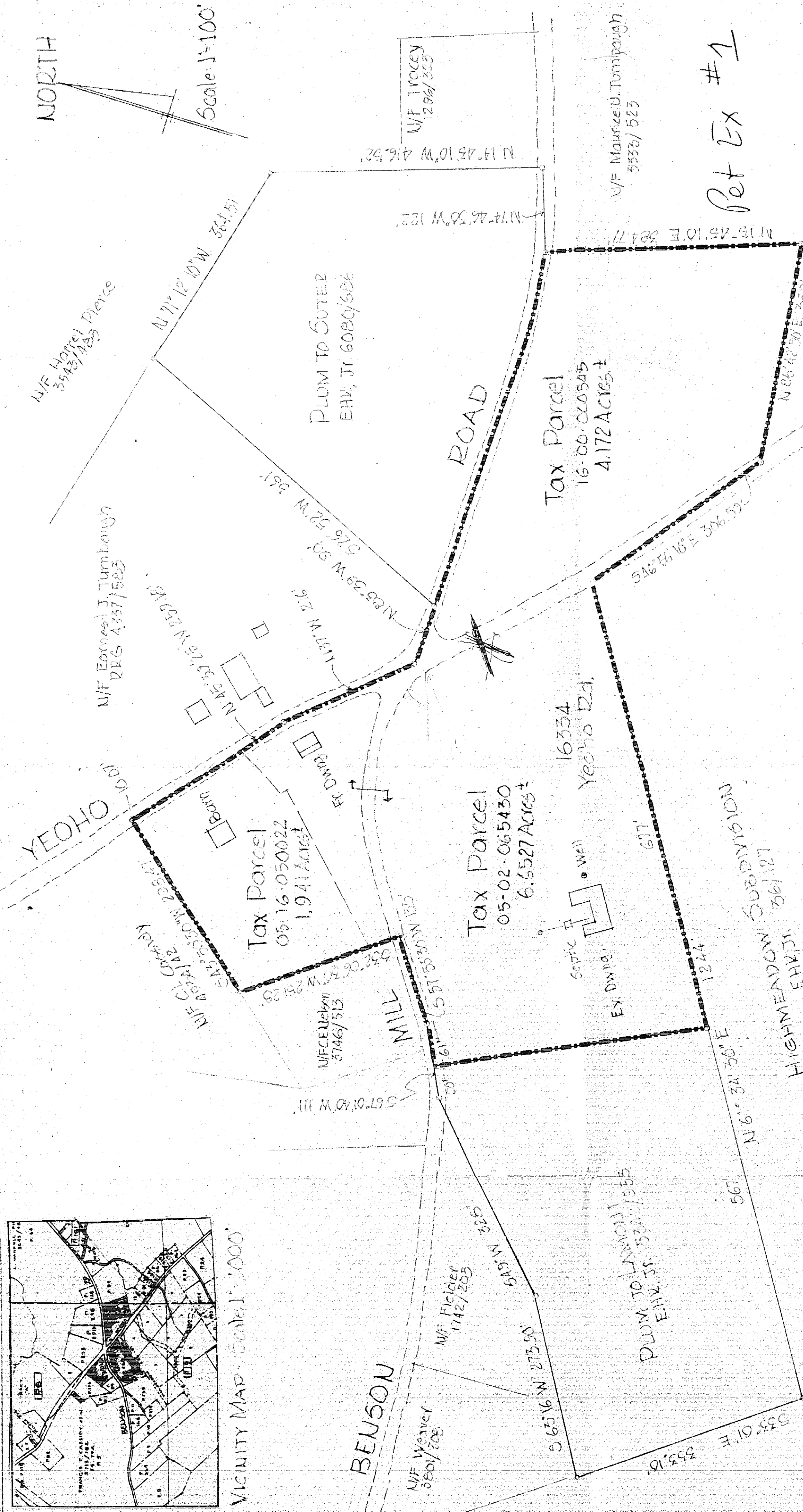
County Board of Appeals of Baltimore County
ROOM 49 OLD COURTHOUSE
TOWSON, MARYLAND 21204

Encl. #2





VICINITY MAP - Scale 1"=1000'



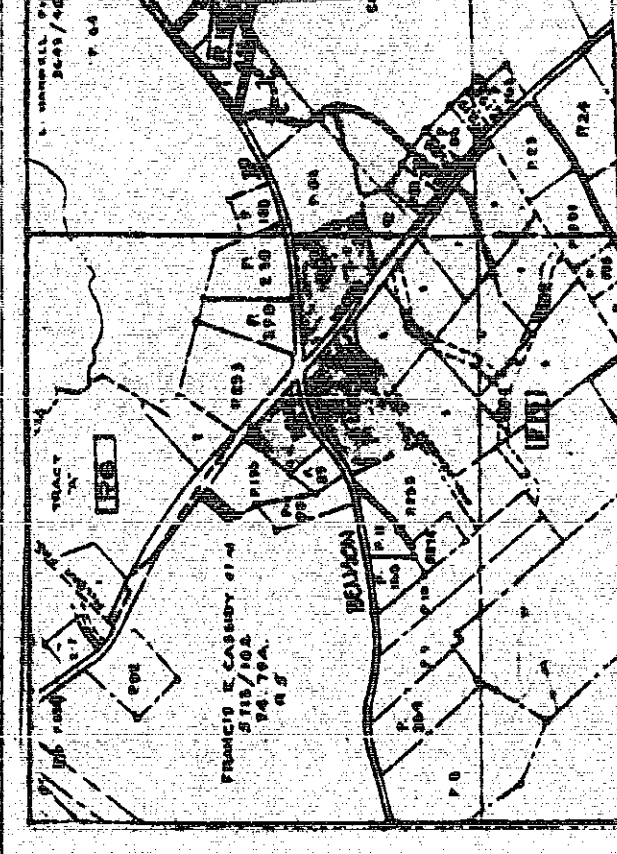
GENERAL NOTES:

- Owner: Raymond F. & Nancy A. Plum
16334 Yeoho Road
Sparks, Md 21152
- Deed Ref: Liber 7565/337
- CC District: 3rd. • 200 Scale Zoning Map: NW 26 F.
- Elected District: 5th. • Lot Area: As noted.
- Property is not served by public utilities; onsite systems are private.
- Zoning established by map, no prior zoning hearings.
- This plat is based on descriptions in deed 7565/337 and on prior property plat prepared by Edward Boyce based on deed to Patsy Bruno & Raymond F. Plum dated 6/16/65 and recorded at 4473/16. For zoning purposes only.
- There are no streams, stormwater management or storm drains on property.

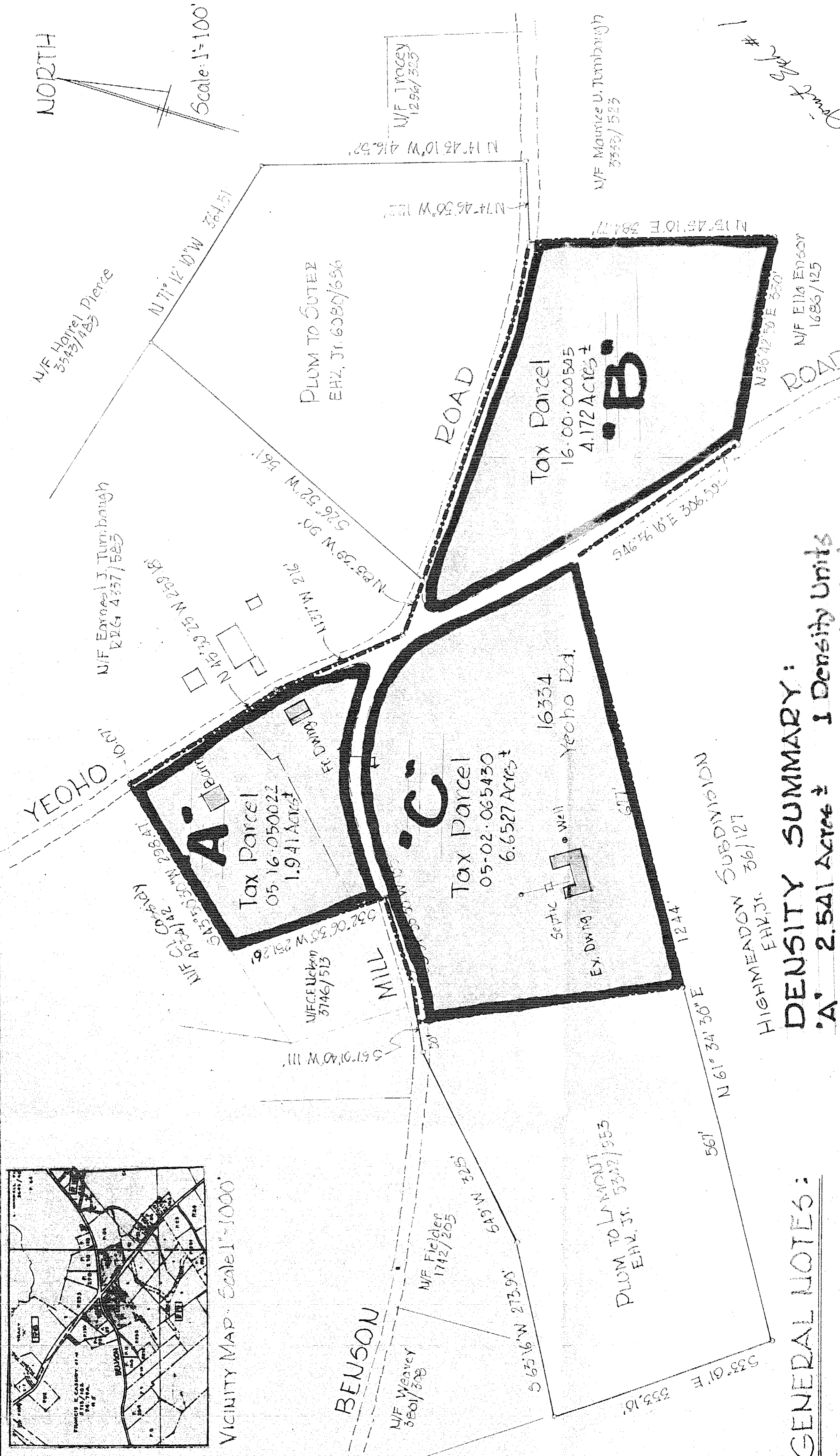
92-484-SPH

PLAT TO ACCOMPANY PROPERTY OWNER'S PETITION FOR SPECIAL HEADING

JUNE 8, 1992 Scale: 1"=100'
Prepared by GEG 6/8/92



VICINITY MAP - Scale 1"=1000'



GENERAL NOTES:

- Owner: Raymond F. & Nancy A. Plum
16334 Yeoho Road
Sparks, Md 21152
- Deed Ref: Liber 7565/337
- CC District: 3rd. • 200 Scale Zoning Map: NW 26 F.
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- Property is not served by public utilities; onsite systems are private.
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- There are no streams, stormwater management or storm drains on property.

DENSITY SUMMARY:

'A'	2.541 Acres ±	1 Density Units
'B'	4.172 Acres ±	2 Density Units
'C'	6.053 Acres ±	1 Density Units

PLAT TO ACCOMPANY PROPERTY OWNER'S PETITION FOR SPECIAL HEADING

JUNE 8, 1992 Scale: 1"=100'
Prepared by GEG 6/8/92

OFFICE OF FINANCE REVENUE DIVISION CUMBERLAND, MD 21244-1468		BALTIMORE COUNTY STATE AND COUNTY REAL PROPERTY TAXES		TAXPAYER'S COPY DETACH AND RETURN TO BALTIMORE	
JULY 1, 1990 - JUNE 30, 1991		COUNTY TAX STATE TAX		CHARGES 2,563.67 168.00	
METROPOLITAN CHARGES SEWER SERVICE WATER REVENUE QUARTER CONTRIBUTION		ASSESSMENT 87,110.00 87,110.00		RATE PER \$100 2.953 1.953	
TOTAL METROPOLITAN		2,706.63		GROSS BILL	
PROPERTY TAXES, OWNER'S NAME, ADDRESS 2152 - 2152 PLUM, RAYMOND F PLUM, NANCY SPARKS, JOHN D SPARKS, MD 21152		5		NET DUE 2,706.63	
LOT BLOCK SEC PLAT		TAXPAYER'S COPY INTEREST TOTAL AFTER DISCOUNTS (PRINT NAME AND ADDRESS)		2,706.63	

This Deed, Made this 14 day of May 1906
in the year one thousand nine hundred and Eighty-Seven, by and between
RAYMOND F. PLUM
of Baltimore County
RAYMOND F. PLUM and NANCY A. PLUM, his wife of Baltimore County in the State of Maryland,
of the second part.
Witnesseth, That ~~RAYMOND F. PLUM~~ FOR NO CONSIDERATION ASSESSMENTS & TAXATION
the said RAYMOND F. PLUM
does grant and convey unto the said
AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE RFP DATE 6/11/07
TRANSFER TAX NOT REQUIRED
Director of Finance
CALVERT CLARE COUNTY, MARYLAND
Fol. 100-100-000000
Notarized Signature DATE 6-11-07 Sec. 11-85 A

heirs and assigns, in fee simple, all that _____ of ground, situate, lying and being in
Baltimore County _____, aforesaid, and described as follows, that is to say:—

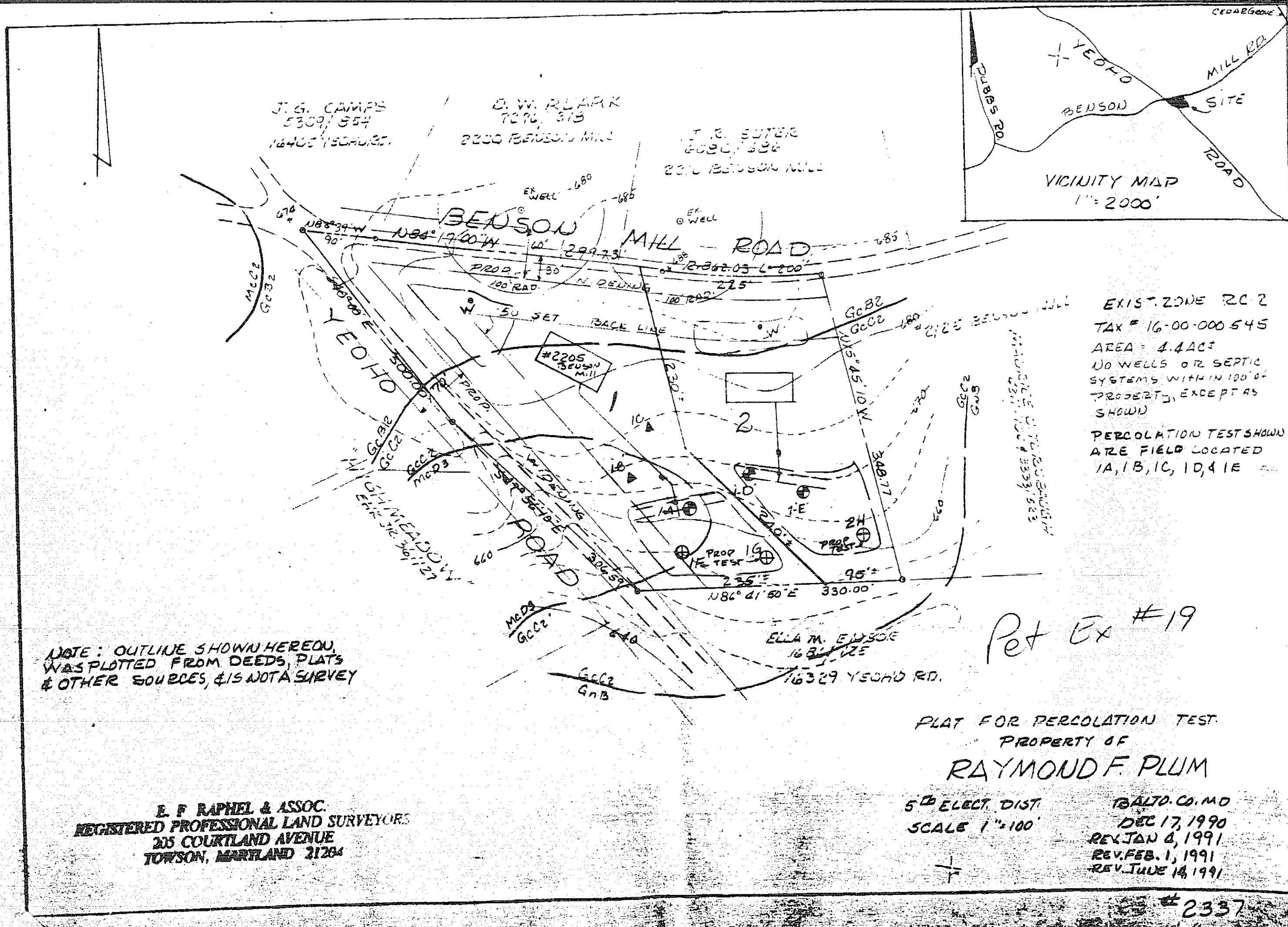
Beginning for the same at a point in the 30th or last line of that parcel of land as firstly described in a deed dated August 3, 1964, and recorded among the Land Records of Baltimore County in Liber R.R.G. No. 4377; Page 583, was conveyed by Brent J. Jones to the said first party, said point of beginning being located about 218 feet southeasterly from the end thereof, running thence for a new line of division in said first parcel, as now surveyed, south 26 degrees 52 minutes West 561 feet to a point in the center of the present road-bed of Benson Mill Road, as now located; thence along said road-bed of Benson Mill Road, with the use thereof in common, North 83 degrees 39 minutes West 90 feet to a point of intersection with the center of the present road-bed of Yoehio Road, as now located; thence along said road-bed of Yoehio Road, with the use thereof in common, North 37 degrees West 216 feet to a point in the center of said road-bed of Yoehio Road; thence running for another new line of division, in said first parcel, north 43 degrees 35 minutes East 100 feet to a point in the center of said road-bed of Yoehio Road, North 43 degrees 35 minutes 25 seconds West 259.18 feet to a point in the center of said road-bed of Yoehio Road, said point also being in the right line of said road-bed of Yoehio Road, as now located; thence running easterly from the end thereof; thence running reversely and binding on part of said 5th line, as now surveyed, South 43 degrees 50 minutes 30 seconds West 298.47 feet to a point at the end of the second line of that lot of ground as hereby described; thence along the second line of said lot of ground, which is the boundary between said lots 23, 1960 and 23, 1961, as shown on the map of Baltimore County hereto attached, W.J.R. No. 3746, Page 511, was conveyed by John R. Bridges and wife to Charles E. Nelson and wife; thence running and binding on the 3rd and 4th lines of said lot, South 32 degrees 06 minutes 30 seconds West 251.18 feet to a point in the center of said road-bed of Benson Mill Road, as now located; thence running in or near the center of said road-bed of Benson Mill Road, with the use thereof in common, the two following courses and distances, to-wit: South 57 degrees 53 minutes 30 seconds West 135 feet and South 67 degrees 01 minute 40 seconds West 140 feet to a point in the center of said road-bed of Benson Mill Road, 100 perches line of the first parcel of said deed, hereinbefore firstly mentioned; thence running and binding on part of said 18th line, as now surveyed, South 49 degrees West 228.45 feet to a point in the center of said road-bed of Yoehio Road, as now located; said parcel, South 63 degrees 16 minutes West 273.90 feet to a point at the end thereof;

IND DATE 07/24/78		OFFICE OF ASSESSMENTS INQUIRY (1)					TIME 04:51:10	
PROPERTY NO.	DIST	GROUP	CLASS	CCD.	AREA	CARD-NO	DEL	F/Y/DAYS
05-06-056430	05	3 PH3	33	NH		00971A		03/05/78
PLUM	RAYMOND F		PRIMARY DESC...	A	6.5627 AC	BS		
PLUM	NANCY A		SUPPLEMENTAL DESC...	BENSON HILL RD				
13011	FORESTON		IMPRV ADDRESS	BENSON HILL				
PARKTON	NC 21150		NEAREST INTER	SW COR YECRD RD				
			STRUCTURE....	X31-200-A				STATE CODE...
LOT.....	MAP.....067		FRONT.....	.00		TRANSFER DATE.....	06/11/78	
BLDG.....	BLCK.....06		BACK.....	.00		TRANSFER NO.....	05777	
SECTION....	PIECES.....00260		SIDE.....	.00		PURCHASE PRICE.....		
PLAT.....	LIBER.....7568		SIDE2.....	.00		GROUND RENT.....	0	
BOOK.....	FOLIO.....0837		FORMER OWNER.. PLUM			RAYMOND F		
09137	CINET YR		SQ FT LOT.....			0 (A)		
FULL VALUE	LAND	IMPRV	PREF-LAND	CURTILAGE	EX LAND	EX IMPRV	BLDG	
CURRENT	40,310	161,400	310	145,290				
PROPOSED	76,310	160,080	310	156,510	0	0	0	
*****BASIS*****								
96/93 ASSESSMT	YRMO	TAX LAND	TAX IMPRV	ADVAL	EX LAND	EX IMPRV	EX ADVAL	
91/93 ASSESSMT	7111	0	\$4,750					
91/96 ASSESSMT	9011	0	87,950					
90/91 ASSESSMT	7011	0	27,170					

[illegible]

Pet Ex 18C (C)

OFFICE OF ASSESSMENTS INQUIRY (1)										TIME 09:51:02
PROPERTY NO.	SIT	GROUP	CLASS	CCC.	AREA	CARD-NO	DEL	F/H DAT.		
05-14-080002	02	R PH3	23	NI		00773A		01/01/79		
PLUN	RAYMOND F	PRIMARY DESC...		A 1.941 AC NWS						
PLUN	NANCY A	SUPPLEMENTAL DESC...		BENSON MILL RD						
16011	FORESTON RD	IMPRV ADDRESS		BENSON MILL RD		NA				
PARKING	MS 31120	NEAREST INTER....		NW COR YEDHO RD						
		STRUCTURE.....		STATE COS.						
LOT....	MAP..... 027	FRONT. 390.00		TRANSFER DATE..... 06/11/79						
BLOCK....	BLOCK..... 02	SIDE... 390.50		TRANSFER NO..... 0737E						
SECTION...	PARCEL 00030	SIDE1. 332.00		PURCHASE PRICE						
PLAT.....	LYBER. 7538	SIDE2. 231.26		GROUND RENT.....						
BOOK.....	FOLIO... 0327	FORMER OWNER. PLUM		RAYMOND F						
FOLIO....	CONST YF	SQ FT LOT....		0 (A)						
*****BASIS****	YRMO	TAX LAND	TAX IMPRV	ADVAL	EX LAND	EX IMPRV	2.11			
72/72 ASSESMT	7111	0	2,600	0	0	0	0			
71/72 ASSESMT	7011	0	2,600	0	0	0	0			
90/71 ASSESMT	3910	0	2,630	0	0	0	0			



THE VALLEYS
PLANNING COUNCIL, INC.

Prot ex #1
212 Washington Avenue
P.O. Box 5402
Towson, Maryland 21285-5402
410-337-6877
410-296-5409 (FAX)

July 29, 1992

Mr. Lawrence Schmidt
Zoning Commissioner
Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Item No. 520, Case No. 92-484-SPH
Petitioner: Raymond F. Plum, et ux
Petition for Special Hearing

Dear Mr. Schmidt:

On behalf of The Valleys Planning Council, Inc., I would like to offer the following comments on the above referenced case:

1. The Valleys Planning Council supports the recommendation of the Office of Planning and Zoning and DPHM with regard to the approval of the non-density transfer of land from parcel 05-02-065430 to parcel 05-16-050022 only with the provision that the non-density transfer preclude any further subdivision of that property.
2. The Valleys Planning Council also supports the recommendation of OPZ in denying the subdivision of parcel 05-02-065430.

As DEPRM correctly points out in their comments to ZADM, "The requested petition for density should not be approved because it results in more density than is permitted on the RC2 zone as provided for in BCZR Section 1A01.3.B.1. Furthermore, the County Council made clear its intent to not create density by the fact that properties are separated by a road as indicated by its active on October 1, 1990 to amend Section 1A01.3.B.1."

The parcels in question are zoned RC2 and are located in the heart of Baltimore County's agricultural preservation area. This region possesses the largest aggregate of Maryland Environmental Trust and Maryland Agricultural Land Preservation Foundation easements in the State of Maryland. The intent of these easements is to protect farm land and to foster the agricultural industry.

Adding more density than is permitted by the RC2 zone sets a dangerous precedent, will have an adverse impact on the adjacent farms, and is in conflict with the Baltimore County Master Plan 1989-2000.

Thank you for your attention to this important matter.

Sincerely,
Margaret Worrall
Executive Director

and contains the two existing dwellings, one of which is located on the north side of Benson Mill Road. Benson Mill Road cuts through Parcel C resulting in .6 acres of this parcel being located on the north side of Benson Mill Road immediately adjacent to Parcel A. Parcel B consists of 4.172 acres more or less and is unimproved. The Petitioners are desirous of subdividing the property into four parcels, each containing their own density unit, and the non-density transfer of .6 acres from Parcel C to Parcel A. The four parcels would be as follows: New Parcel A would consist of 2.541 acres, more or less, and contain the frame dwelling, high-lighted in yellow on Petitioner's Exhibit 5, and the existing barn. This would create one parcel of land containing both the dwelling and barn on the same side of the street. The Petitioners request that one density unit be associated with this parcel by virtue of the existing dwelling. There was no opposition to this request. Parcel C would contain 6.0527 acres, more or less, and contain the remaining single family dwelling. Parcel B, which currently consists of 4.172 acres, is proposed to be subdivided into two parcels, with one density unit for each parcel.

As is the case when dealing with the issue of density in the R.C.2 zone, it becomes necessary to give a historical background of the property. It also becomes necessary to take into consideration the size and configuration of the property as it existed on November 25, 1979, the effective date of the R.C.2 regulations which govern this particular parcel of land. In November, 1979, the subject property existed the same as it exists today in accordance with Petitioner's Exhibit 1. Therefore, based on the R.C.2 regulations effective November, 1979, this property would be permitted to be subdivided into two parcels.

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It is important to note that this property is trisected into three parcels by Yeoho Road and Benson Mill Road. As of November 25, 1979, based on the policy known as RSD-7, each parcel created by virtue of a public road bisecting the property, would have its density calculated as if it were a separate parcel. This policy existed for approximately 11 years.

However, pursuant to County Council Bill No. 199-90, the policy known as RSD-7 was eradicated. For the most part, Bill No. 199-90 was the result of the case heard by the Court of Special Appeals of Maryland known as Stephen H. Gudeman, et ux, vs. People's Counsel for Baltimore County. The Court of Special Appeals in that case held that the existence of a public road would not create additional density. The County Council agreed and passed Bill No. 199-90. However, the County Council provided an exception to this new law which provided that any individual who relied, to their detriment, and expended sums of their money in furtherance of Policy RSD-7, would be allowed to proceed with the subdivision of their property.

The uncontradicted testimony at the hearing indicates that the Petitioners submitted a plan for the subdivision of Parcel B, the 4.172 acre parcel located south of Benson Mill Road, east of Yeoho Road, in 1989. A site plan of this subdivision was entered into evidence as Petitioner's Exhibit 19. The site plan, prepared by E. F. Raphael and Associates, Registered Professional Land Surveyors, is dated December 17, 1990. Testimony and evidence revealed that the Petitioner spent \$25,000 in furtherance of the subdivision of this parcel. He drilled several wells on the two lots proposed within the 4.172 acre parcel, and performed perc tests and established septic drain fields on each lot. All of this was

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done in furtherance of Policy RSD-7 which would have permitted the subdivision of this 4.172 acre parcel of land until the enactment of Council Bill No. 199-90.

It is clear from the testimony and evidence presented that the Petitioners proceeded with the subdivision of this 4.172 acre parcel of land prior to the passage of Council Bill No. 199-90 and prior to the decision in the Gudeman case heard by the Court of Special Appeals. Therefore, the Petitioners shall be permitted to subdivide the 4.172 acre parcel into two lots and shall be permitted one density unit for each lot.

Accordingly, I find that there shall be a total of four density units associated with the entire 12.76 acre parcel of property. They shall be distributed as follows: One density unit shall be associated with Parcel A, which shall include the yellow highlighted area depicted on Petitioner's Exhibit 5, pursuant to the non-density transfer of .6 acres from Parcel C. A second density unit shall be associated with Parcel C, which already contains a single family dwelling unit. Parcel C shall consist of 6.0527 acres once the .6 acres is transferred to Parcel A. The remaining two density units shall be associated with Parcel B which is currently unimproved and consists of 4.172 acres. There shall be no further subdivision of any of the parcels. This finding is consistent with the Zoning Plans Advisory Committee comments submitted by the Office of Planning dated June 29, 1992.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special condi-

- 4 -

tions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10th day of August, 1992 that the Petition for Special Hearing requesting approval of the subdivision of 12.76 acres, more or less, in accordance with Petitioner's Exhibit 5, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Within thirty (30) days of the date of this Order the Petitioners shall submit a new site plan of the subject property incorporating the relief granted herein.
- 3) Pursuant to Section 502.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), the Petitioners shall record in the Land Records of Baltimore County four (4) separate deeds for each parcel established pursuant to this Order. Each deed shall incorporate a reference to this case and the restrictions and conditions set forth herein. A copy of the recorded deeds shall be forwarded to the Zoning Commissioner's Office for inclusion in the case file prior to the issuance of any building permits.
- 4) There shall be no further subdivision of any of the four (4) parcels created pursuant to this Order in that all of the density associated with the subject property has been utilized.

- 5 -

- 5) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy H. Kotroco
TIMOTHY H. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

August 10, 1992

(410) 887-4386

Julius W. Lichter, Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
W/S Yeoho Road, 290' S of the c/l of Benson Mill Road
(16334 Benson Mill Road)
5th Election District - 3rd Councilmanic District
Raymond F. Plum, et ux - Petitioners
Case No. 92-484-SPH

Dear Mr. Lichter:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,

Timothy H. Kotroco
TIMOTHY H. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Ms. Margaret Morrall
Valleys Planning Council
P.O. Box 5402, Towson, Md. 21285-5402

People's Counsel

File

MICROFILMED

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County RC-2 16334 Yeoho Road

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 506.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the subdivision of 12.76 acres based on unjust circumstances over which the owner had no control and which defacto created sub-parcels which may also be further subdivided.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Address

City and State

Address

City and State

Address

City and State

Address

City and State

Address

City and State

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City and State

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City and State

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City and State

Address

City and State

MICROFILMED

This Deed, Made this 10th day of May JUNE

in the year one thousand nine hundred and Eighty-Seven, by and between

RAYMOND F. PLUM

of Baltimore County /

in the State of Maryland, of the first part, and

RAYMOND F. PLUM and NANCY A. PLUM, his wife of Baltimore County in the State of Maryland,

of the second part.

Witnesseth, That ~~RAYMOND F. PLUM and NANCY A. PLUM~~ for NO CONSIDERATION ASSESSMENTS & TAXATION

the said RAYMOND F. PLUM

does grant and convey unto the said

RAYMOND F. PLUM and NANCY A. PLUM, his wife as tenants by the entireties, their

heirs and assigns, in fee simple, all that

of ground, situate, lying and being in

Baltimore County, aforesaid, and described as follows, that is to say:-

Beginning for the same at a point in the 30th or last line of that parcel of land as

firstly described in a deed dated August 3, 1964, and recorded among the Land Records

of Baltimore County in Liber R.R.G. No. 4337, Page 583, was conveyed by Ernest J.

Turnbaugh and wife to Raymond F. Plum and Nancy A. Plum, said point being distant 518 feet

southeasterly from the end thereof, running thence for a new line of division in said

first parcel, as now surveyed, south 26 degrees 52 minutes West 561 feet to a point in

the center of the present road-bed of Benson Mill Road, as now located; thence running for

another new line of division in said first parcel, and binding on the center of said

road-bed of Benson Mill Road, with the use thereof in common, North 83 degrees 39 minutes

West 90 feet to a point of intersection with the center of the present road-bed of

Yeoho Road, as now located; thence running for another new line of division, in said

first parcel, in or near the center of said road-bed of Yeoho Road, with the use thereof

in common, North 37 degrees West 216 feet to a point in the center of said road-bed of

Yeoho Road; thence running for another new line of division, in said first parcel and

thru the second parcel as described in said deed, and still in or near the center of said

road-bed of Yeoho Road, North 45 degrees 35 minutes 25 seconds West 259.18 feet to

a point in the center of said road-bed of Yeoho Road, said point also being in the

5th line of the second parcel of said deed and being distant 10.07 feet southeasterly

from the end thereof; thence running reversely and binding on part of said 5th line, as

now surveyed, South 43 degrees 50 minutes 30 seconds West 298.47 feet to a point at

the end of the second line of that lot of ground as described in a deed dated August 23, 1964

and recorded among the Land Records of Baltimore County in Liber M.J.R. No. 3746, Page 511,

was conveyed by John R. Bridges and wife to Charles E. Nelson and wife; thence running

and binding on the 3rd and 4th lines of said lot, south 32 degrees 08 minutes 30 seconds

West, in all, 251.26 feet to a point in the center of the present road-bed of Benson

Mill Road, as now located; thence running in or near the center of said road-bed of

Benson Mill Road, with the use thereof in common, the two following courses and distances,

viz: South 57 degrees 53 minutes 30 seconds West 135 feet and South 67 degrees 01 minute

West 40 seconds West 111 feet to a point in the eighteenth or South 51 degrees West 50

perches line of the first parcel of said deed, hereinafter firstly mentioned; thence

running and binding on part of said 18th line, as now surveyed, South 49 degrees West

328 feet to a point at the end thereof; thence running and binding on the 19th line of

said parcel, South 63 degrees 16 minutes West 273.90 feet to a point at the end thereof;

520

92-484-SPH

thence running and binding on the 20th and 21st lines of said parcel, South 33 degrees 01 minute East, in all, 353.10 feet to a point at the end thereof; thence running and binding on the 22nd line of said parcel, North 61 degrees 34 minutes East 30 seconds East 1244 feet to a point at the southwest edge of the present road-bed of Yeoho Road; thence 1244 feet to a point at the northeast edge of said road-bed of Yeoho Road; thence 306.59 feet to a point at the northeast edge of said road-bed of Yeoho Road; thence running and binding on part of the 24th line of said parcel, North 86 degrees 42 minutes 50 seconds East 330 feet to a point at the end of the third line of that lot of ground as described in a deed dated June 8, 1964, and recorded among the Land Records of Baltimore County in Liber R.R.G. No. 4311, Page 104, was conveyed by Ernest J. Turnbaugh and wife to Maurice U. Turnbaugh and wife; thence running reversely and binding on said 3rd line, North 15 degrees 45 minutes 10 seconds West 384.77 feet to a point in or near the center of said road-bed of Benson Mill Road, with the use thereof in the common, North 74 degrees 46 minutes 50 seconds East 122 feet to a point at the end of the 28th line of said first parcel, hereinafter first mentioned; thence running and binding on the 29th line of said first parcel, North 14 degrees 43 minutes 10 seconds West 416.52 feet to a point at the end thereof and thence running and binding on part of the 30th or last line of said first parcel, North 71 degrees 13 minutes 10 seconds West 324.81 feet to the place of beginning. Which properties has the address of 16400 Yeoho Road, Sparks, Maryland

BEING the same tract of land which by Deed dated January 8, 1970 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 5072, folio 628, was granted and conveyed by Patricia L. Plam and Raymond F. Plam and Hanne F. Plam wife. The said Hanne F. Plam departed this life on or about December 12, 1978, vesting absolute title to said property in the said Raymond F. Plam.

SAVING AND EXCEPTING therefrom all that property which by Deed dated March 13, 1973, and recorded among the Land Records of Baltimore County in Liber E.N.K.Jr. No. 5342, folio 958, was granted and conveyed by Raymond F. Plam and wife unto James D. Lamont and wife.

SAVING AND EXCEPTING therefrom all that property which by Deed dated September 17, 1979, and recorded among the Land Records of Baltimore County in Liber E.N.K.Jr. No. 6080, folio 686, was granted and conveyed by Raymond F. Plam and wife unto Joseph Richard Suter and wife.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

92-484-SPH

District: 5th Date of Posting: 7-6-92
Posted for: Special Hearing
Petitioner: Raymond F. Plam, et ux
Location of property: W/S of Yeoho Rd., 290' S of c/l Benson Mill Rd.
Location of Sign: West side of Yeoho Rd. at entrance to subject property 16334 Yeoho Rd.
Remarks: S. J. Plam
Posted by: S. J. Plam
Number of Signs: 1

MICROFILMED

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CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

92-484-SPH

District: 5th Date of Posting: 8/15/92
Posted for: Special Hearing
Petitioner: Raymond F. Plam, et ux
Location of property: W/S of Yeoho Rd. (290' S of Benson Mill Rd.)
Location of Sign: West side of Yeoho Rd. at entrance to subject property 16334 Yeoho Rd.
Remarks: S. J. Plam
Posted by: S. J. Plam
Number of Signs: 1

CERTIFICATE OF PUBLICATION TOWSON, MD. 92-484-SPH

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/25, 1992

THE JEFFERSONIAN,

S. Zeke Orlov

Publisher

MICROFILMED

Baltimore County Zoning Commissioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

receipt

Date: 7/27/92
Account: R-001-6190
Number: 92-484-SPH
PUBLIC HEARING FEE: \$50.00
DRO - POSTING SIGNS - ADVERTISING: \$50.00
TOTAL: \$100.00
LAST NAME OF OWNER: PLAM
Please Make Check Payable to Baltimore County
BA C01137AMD6-11-92

MICROFILMED

Baltimore County Zoning Commissioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

92-484-SPH receipt

Date: 7/27/92
Account: R-001-6190
Number: 92-484-SPH
PUBLIC HEARING FEE: \$50.00
DRO - POSTING SIGNS - ADVERTISING: \$50.00
TOTAL: \$100.00
LAST NAME OF OWNER: PLAM
Please Make Check Payable to Baltimore County
BA C00523PMD7-27-92

MICROFILMED

Cashier Validation

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 7-10-92

Raymond and Nancy Plam
18011 Foreston Road
Purkett, Maryland 21120

RE: CASE #92-484-SPH (Item 520)
W/S Yeoho Road, 290' S of c/l Benson Mill Road
16334 Yeoho Road
5th Election District - 3rd Councilmanic
Petitioner(s): Raymond F. Plam, et ux
HEARING: WEDNESDAY, JULY 29, 1992 at 9:00 a.m. in Rm. 106, Office Building.

Dear Petitioner(s):

Please be advised that \$ 60.27 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE HEARING SIGN & POST SIGN(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SIGN(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 106, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Arnold Jablon
DIRECTOR

cc: Julius W. Lichter, Esq.

MICROFILMED

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JUNE 18, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE #92-484-SPH (Item 520)
W/S Yeoho Road, 290' S of c/l Benson Mill Road
16334 Yeoho Road
5th Election District - 3rd Councilmanic
Petitioner(s): Raymond F. Plam, et ux
HEARING: WEDNESDAY, JULY 29, 1992 at 9:00 a.m. in Rm. 106, Office Building.

Special Hearing to approve the subdivision of 12.76 (+/-) acres.

Lawrence E. Schmidt
Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Raymond and Nancy Plam
Julius W. Lichter, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

MICROFILMED

111 West Chesapeake Avenue
Towson, MD 21204

July 13, 1992

(410) 887-3353

Julius W. Lichter, Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, MD 21204

RE: Item No. 520, Case No. 92-484-SPH
Petitioner: Raymond F. Plam, et ux
Petition for Special Hearing

Dear Mr. Lichter:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby associated zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

MICROFILMED

Development Review Committee Response Form Authorized signature: Julius W. Lichter Date: 6/29/92

File Number	Waiver Number	Zoning Issue	Meeting Date
90476		Stonegate at Patapsco (Aerial Property)	6-1-92
ZON DED	TE	(Waiting for developer to submit plans first)	
COUNT 1			
✓ Joan R. McMahon	FRS-1		6-22-92 NC
DED DEPRM RP STP TE			
BBC Associates	511		Comment
DED DEPRM RP STP TE			
Charles W. And Helen K. Mauerhan/Ronald W. And Diane H. Chapman	512		Comment
DED DEPRM RP STP TE			
Fox Chevrolet, Inc.	513		Comment
DED DEPRM RP STP TE			
Covenant of Grace Presbyterian Church	515		NC
✓ DED DEPRM RP STP TE			
Frederick J. And Michelle Y. Burgesen	517		NC
DED DEPRM RP STP TE			
David Marc And Paul C.S. Rosen	518		NC
✓ DED DEPRM RP STP TE			
David W. And Debra L. Gordon	519		NC
DED DEPRM RP STP TE			
Raymond F. And Nancy A. Plam			NC
✓ DED DEPRM RP STP TE			
Sebastian T. Russell	521		MICROFILMED NC
DED DEPRM RP STP TE			
Michael And Virginia Myers	522		NC

BALTIMORE COUNTY, MARYLAND OFFICE OF PLANNING AND ZONING New Courts Bldg - 401 Bowley Avenue, Towson, MD 21204

MEMORANDUM

TO: Arnold Jablon, Director
Zoning Administration & Development Management

FROM: Office of Planning and Zoning

DATE: June 29, 1992

SUBJECT: Plam Property

INFORMATION:
Item Number: 520

Petitioner: Raymond and Nancy Plam

Property Size: 12.8 acres

Zoning: RC 2

Requested Action: Special Hearing

Hearing Date: 7/29/92

SUMMARY OF RECOMMENDATIONS:
The petitioner is requesting a special hearing to approve a subdivision of 12.76 acres in an RC 2 Zone.

The Office of Planning and Zoning recommends APPROVAL of the non-density transfer of land from parcel 05-02-065430 to parcel 05-16-050022.

The Office of Planning and Zoning also recommends APPROVAL of subdividing parcel 16-00-000545 with two parcels. Prior to changes in the B.C.Z.R., RC 2 area regulations (Bill No. 178-79) Mr. Plam legitimately attempted to subdivide this parcel. However, after wells were drilled and perc tests conducted, the lots were not properly recorded.

Finally, the Office of Planning and Zoning recommends DENIAL of the subdivision of the remaining parcel 05-02-065430. This parcel is located within an Agricultural Preservation area and residential development is discouraged in these areas.

Prepared by: Francis Morley

Division Chief: Eric M. Dard

FM:rdn

RECEIVED
JUL 7 1992

ZONING OFFICE

MICROFILMED

520.ZAC/ZAC1

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: June 25, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: June 22, 1992

ITEM NUMBER: 520

Benson Mill Road realignment at Yeoho Road may be required at the time of minor subdivision process.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/dm

RECEIVED
JUN 29 1992
ZONING OFFICE

MICROFILMED

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item 520
#16334 Yeoho Road
Raymond Plum Property
Zoning Advisory Committee Meeting of June 22, 1992

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

This property is located in an agricultural preservation area in which there are numerous agricultural preservation districts, easements and Maryland Environmental Trust easements. The intent of all of these is to protect agricultural land and foster conditions favorable to continued agricultural uses.

The requested petition for density should not be approved because it results in more density than is permitted on the RC2 zone as provided for in RC2B Section 1A01.3.B.1. Furthermore, the County Council made clear its intent to not create density by the fact that properties are separated by a road as indicated by its active on October 1, 1990 to amend Section 1A01.3.B.1.

The petition appears to also be requesting a non-density transfer of 0.6 acres from tax number 05-02-065430 to tax number 05-16-050022 on the property on the NW corner.

This office supports the non-density transfer if conditioned by a note that precludes any further subdivision of that property. The request will permit the combination of the barn area with the house area.

JLP:sp

JABLON/S/TXTSDP

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JUL 7 1992
ZONING OFFICE

MICROFILMED

700 East Joppa Road Suite 901
Towson, MD 21204-5500

JUNE 19, 1992

(410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: RAYMOND F. PLUM AND NANCY A. PLUM

Location: #16334 YEOHO ROAD

Item No.: 520 (LJG) Zoning Agenda: JUNE 22, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *C. J. Rosen*
Planning Group
Special Inspection Division

JP/KEK

RECEIVED
JUN 22 1992
ZONING OFFICE

MICROFILMED

Department of Recreation and Parks
Development Review Committee Response
Authorized Signature _____ Date 7/1/92

Project Name _____ Waiver Number _____ Zoning Issue _____ Meeting Date _____

Joan R. McMahon FRAS-1 6-22-92

DED DEPRM RP STP TE *No Comment*
BBC Associates

DED DEPRM RP STP TE *No Comment*
Charles W. And Helen K. Mauerhan/Ronald W. And Diane H. Chapman

DED DEPRM RP STP TE *No Comment*
Fox Chevrolet, Inc.

DED DEPRM RP STP TE *No Comment*
Covenant of Grace Presbyterian Church

DED DEPRM RP STP TE *No Comment*
Frederick J. And Michelle Y. Burgesen

DED DEPRM RP STP TE *No Comment*
David Marc And Paul C.S. Rosen

DED DEPRM RP STP TE *No Comment*
David W. And Debra L. Gordon

DED DEPRM RP STP TE *No Comment*
Raymond F. And Nancy A. Plum

DED DEPRM RP STP TE *No Comment*
Sebastian T. Rossell

DED DEPRM RP STP TE *No Comment*
Michael And Virginia Myers

DED DEPRM RP STP TE *No Comment*

COUNT 11

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
W/S Yeoho Rd., 290' S of C/L of
Benson Mill Rd. (16334 Benson : OF BALTIMORE COUNTY
Mill Rd.), 5th Election District
3rd Councilmanic District :

RAYMOND F. PLUM, et ux, : Case No. 92-484-SPH
Petitioners

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204-4606
(410) 887-2188

I HEREBY CERTIFY that on this 8th day of September, 1992, a copy of the foregoing Entry of Appearance was mailed to Julius W. Lichter, Esquire, 305 W. Chesapeake Ave., Suite 113, Towson, Maryland 21204; and Ms. Margaret Worrall, Valleys Planning Council, P.O. Box 5402, Towson, MD 21285-5402.

Phyllis Cole Friedman
Phyllis Cole Friedman

RECEIVED
9/8/92
ZONING OFFICE

MICROFILMED

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
W/S Yeoho Rd., 290' S of C/L of
Benson Mill Rd. (16334 Benson : OF BALTIMORE COUNTY
Mill Rd.), 5th Election District
3rd Councilmanic District :

RAYMOND F. PLUM, et ux, : Case No. 92-484-SPH
Petitioners

NOTICE OF APPEAL

Please note an appeal from the decision of the Deputy Zoning Commissioner in the above-captioned matter, under date of August 10, 1992, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204-4606
(410) 887-2188

I HEREBY CERTIFY that on this 8th day of September, 1992, a copy of the foregoing Notice of Appeal was mailed to Julius W. Lichter, Esquire, 305 W. Chesapeake Ave., Suite 113, Towson, Maryland 21204; and Ms. Margaret Worrall, Valleys Planning Council, P.O. Box 5402, Towson, MD 21285-5402.

Phyllis Cole Friedman
Phyllis Cole Friedman

RECEIVED
9/8/92
ZONING OFFICE

MICROFILMED



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue

October 13, 1992

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 92-484-SPH RAYMOND F. PLUM, ET UX
W/S Yeoho Rd., 290' S of c/l
Benson Mill Road (16334 Benson
Mill Road)
5th Election District;
3rd Councilmanic District

SPH-Approval of subdivision of 12.76 acre parcel

8/10/92 - D.Z.C.'s Order GRANTING
Petition with restrictions.

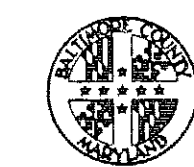
ASSIGNED FOR: THURSDAY, DECEMBER 3, 1992 AT 10:00 a.m.

cc: Mr. and Mrs. Raymond Plum - Petitioners
Julius W. Lichter, Esquire - Counsel for Petitioners
Mr. and Mrs. Joseph Suter
Mr. and Mrs. James Lamont
Mr. Jack G. Kamps
Ms. Margaret Worrall
Valleys Planning Council
Mr. George E. Gavrelis
People's Counsel for Baltimore County - Appellant
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning
Administration

LindaLee M. Kuszmaul
Legal Secretary

MICROFILMED

Printed on Recycled Paper



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

December 3, 1992

Phyllis Cole Friedman
People's Counsel for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: Case No. 92-484-SPH
Raymond F. Plum, et ux

Dear Ms. Friedman:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Julius W. Lichter, Esquire
Mr. & Mrs. Raymond Plum
George E. Gavrelis
Mr. & Mrs. Joseph Suter
Mr. & Mrs. James Lamont
Mr. Jack G. Kamps
Ms. Margaret Worrall
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk /Zoning
Arnold Jablon, Director of
Zoning Administration
Public Services

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9/24/92 -Ltr from J. Lichter, Esquire, requesting consideration of early hearing date /financial hardship of his client. Appeal taken by People's Counsel; Mr. Lichter indicates that P. Friedman has no problem with early date. Photocopy of attached letter to S. Hess 9/25/92. OK for 12/3/92.

10/13/92 - Following parties notified of hearing set for December 3, 1992 at 10:00 a.m.:

Mr. and Mrs. Raymond Plum
Julius W. Lichter, Esquire
Mr. and Mrs. Joseph Suter
Mr. and Mrs. James Lamont
Mr. Jack G. Kamps
Ms. Margaret Worrall
Valleys Planning Council
Mr. George E. Gavrelis
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon

12/01/92 -T/C from P. Friedman, Esquire -She and J. Lichter, Esquire, have prepared Proposed Order and Stipulation of Facts to be submitted at hearing on December 3, 1992; short hearing.

Balto. Co. Board of Appeals
September 14, 1992
Page 2

Deputy Zoning Commissioner's Order dated August 10, 1992 (Granted with Restrictions)

Notice of Appeal received September 8, 1992 from People's Counsel

cc: Mr. & Mrs. Raymond F. Plum
18011 Foreston Road, Parkton, MD 21120

Julius W. Lichter, Esquire
305 W. Chesapeake Avenue, Suite 113 Towson, Maryland 21204

George E. Gavrelis - Daft, McCune & Walker
200 E. Pennsylvania, Towson, MD 21204

Joseph and Doris Suter, 2210 Benson Mill Road, Baltimore, MD 21152

James and Nancy Lamont, 2313 Benson Mill Road, Baltimore, MD 21152

Jack G. Kamps, 16405 Yeoho Road, Baltimore, MD 21152

Margaret Worrall - Valleys Planning Council
P.O. Box 5402, Towson, Maryland 21285-5402

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of Zoning Administration
and Development Management
Public Services

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Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

September 14, 1992

Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
W/S Yeoho Road, 290' S of the c/l of Benson Mill Road
(16334 Yeoho Road)
5th Election District, 3rd Councilmanic District
RAYMOND F. PLUM, ET UX - Petitioner
Case No. 92-484-SPH

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on September 8, 1992 by People's Counsel for Baltimore County. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

Arnold Jablon

Arnold Jablon - Director
Zoning Administration and
Development Management

LES:cer

Enclosures

cc: Mr. & Mrs. Raymond F. Plum
18011 Foreston Road, Parkton, MD 21120

Julius W. Lichter, Esquire
305 W. Chesapeake Avenue, Suite 113, Towson, Maryland 21204

George E. Gavrelis - Daft, McCune & Walker
200 E. Pennsylvania, Towson, MD 21204



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401 Bosley Avenue Suite 412
Towson, MD 21204

887-2240
Fax 828-7914

June 15, 1992

Honorable C. A. Ruppensberger, III
County Council - District # 3

Dear Sir:

We are requesting that a "resolution" be passed that there is no conflict of interest between our being county employees and a "Special Hearing" before the Zoning Commission - Item # 520 for approval of a sub-division of 12.76 plus or minus acres.

I have been an employee for twenty-one years in the Office of Central Services, Vehicle Operation and Maintenance, as a Management Assistant II. My husband, Raymond F. Plum, has been an employee in the Department of Permits and Licenses, Plumbing Inspection, as a Plumbing Inspector for approximately six years.

I pray that this can be handled as expeditiously as possible as this has been a financial hardship on us for a long period of time.

Sincerely,

Nancy A. Plum Raymond F. Plum
Nancy A. Plum Raymond F. Plum

cc: *Laurence Goets*
- Laurence Goets

RECEIVED
JUN 16 1992

ZONING OFFICE

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Balto. Co. Board of Appeal
September 14, 1992
Page 2

Joseph and Doris Suter, 2210 Benson Mill Road, Baltimore, MD 21152

James and Nancy Lamont, 2313 Benson Mill Road, Baltimore, MD 21152

Jack G. Kamps, 16405 Yeoho Road, Baltimore, MD 21152

Margaret Worrall - Valleys Planning Council
P.O. Box 5402, Towson, Maryland 21285-5402

People's Counsel of Baltimore County
Old Courthouse, 400 Washington Avenue, Towson, MD 21204

File

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APPEAL

Petition for Special Hearing
W/S Yeoho Road, 290' S of C/L of Benson Mill Road
(16334 Benson Mill Road)
5th Election District - 3rd Councilmanic District
RAYMOND F. PLUM, ET UX - Petitioner
Case No. 92-484-SPH

Petition(s) for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments (Included with ZAC Comments)

Petitioner(s)/Protestant(s) Sign-In Sheets

Petitioner's Exhibits: 1. Plat to accompany Petition

2. Deed

3. 1974 B.C.Z.R.

4A1. & 4A2 - Photographs

5. Tax Map

6. No Exhibit Marked "6"

7. - 10. - Microfilm copies of Tax Records

9A - Deed

11. Permits Receipt

12. Bill No. 98-75

13. Policy No. RSD-7

14. Bill No. 178-79

15. Deed

16. Tax Map

17. Tax Bill

17A. Deed

18A.- 18C. - Assessment Inquiries

19. Plat for Percolation Test

Protestant's Exhibits: 1. Letter from Margaret Worrall

1A01.3 (RC-2)

1A01.3--HEIGHT AND AREA REGULATIONS [Bill No. 98-75]

A. Height regulation. No structure hereafter erected in an R.C. 2 zone shall exceed a height of 35 feet, except as otherwise provided under Section 300. [Bill No. 98-75]

B. Area Regulations. [Bill No. 178-79]

1. Subdivision Lot Density.

No lot of record lying within an R.C. 2 zone and having a gross area of less than 2 acres may be subdivided. No such lot having a gross area between 2 and 100 acres may be subdivided into more than 2 lots. Each lot having a gross area of more than 100 acres may be subdivided only at the rate of 1 lot for each 50 acres of gross area. [Bill No. 178-79]

2. Lot size. A lot having an area less than 1 acre may not be created in an R.C. 2 zone. [Bill No. 178-79]

3. Setback requirements. No principal structure or dwelling (whether or not it is a principal structure) in an R.C. 2 zone may be situated within 75 feet of the centerline of any street or within 35 feet of any lot line other than a street line. [Bill No. 178-79]

4. Principal dwellings per lot. No more than 1 principal dwelling is permitted on any lot in an R.C. 2 zone. [Bill No. 178-79]

1A01.4--Maryland Agricultural Land Preservation Program.

The use or development of land in an agricultural district established in accordance with Section 2-509 of the Agricultural article of the Annotated Code of Maryland, 1974, 1979 Cumulative Supplement, shall be governed by agricultural land preservation provisions enacted by the County Council pursuant to Section 2-513 of that article in the case of any conflict between those provisions and these regulations. [Bill No. 178-79]

31

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BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOFFMAN PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-539-4000

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

ELIAS LEVIN (1893-1960)

ALIAS W. LICHTER

September 23, 1992

HAND DELIVERED

William T. Hackett, Chairman
Baltimore County Board of Appeals
Court House, Room 49
Towson, MD 21204

RE: Petition for Special Hearing
Petitioners: Raymond F. Plum, et ux,
W/S Yeoho Road, 290' S of C/L of
Benson Mill Road (16334 Benson Mill Road)
Case No. 92-484-SPH

Dear Mr. Hackett:

We are hereby requesting a hearing on the above captioned case at the earliest possible date as the Appellee is under a severe financial strain. We respectfully request the earliest possible hearing date in order that any additional financial hardship may be minimized.

The People's Counsel has advised that they would cooperate and be favorable to an early date for the hearing.

Please advise of the date and time of the appeal hearing. Should you have any questions, please do not hesitate to call.

Sincerely,

Julius W. Lichter
Julius W. Lichter

JWL:lap

cc: Mr. and Mrs. Raymond F. Plum

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RECEIVED
COUNTY BOARD OF APPEALS
SEP 24 AM 10:47

12/3/92 @ 10:00 am

NAME
Margaret Woreen

ADDRESS
Valleys Planning Council
P.O. Box 5402
Lanham Md 21085-5402

NAME	ADDRESS
Jules Lichter	
George E. Gavrielis	2011 200 E. Penn. Ave 2120
Raymond F. Plun	
Brian J. Luter	2210 Benbow Mill Rd 2115 ²
Joseph R. Suter	2210 Benson Mill Rd 2115
Jack G. Krumpes	1405 Yochu Rd 2115 ²
Nancy Lamont	2313 Benson Mill Rd. 2115 ²
James Lamont	2313 Benson Mill Rd 2115 ²

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Revised 3-1-80 50370 RD- 24001

This Deed. Made this -----3rd----- day of August

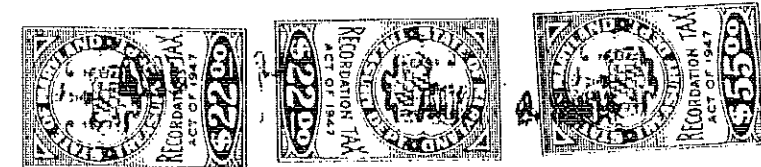
in the year one thousand nine hundred and sixty-four, by and between
Ernest J. Turnbaugh, and Irene M. Turnbaugh, his wife

of Baltimore County, in the State of Maryland, of the first part, and
Raymond F. Plum, and Patsy Bruno,

of the second part.

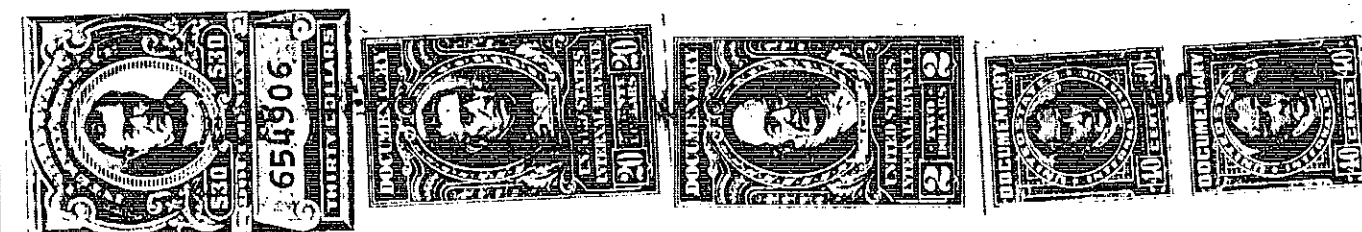
Witnesseth, that in consideration of the sum of five dollars and other good and valuable considerations, the receipt whereof is hereby acknowledged,
the said first parties

do grant and convey unto the said second parties, as tenants in common, their



heirs and assigns, in fee simple, all those three lots or/ ^{parcels} of ~~126~~ ground, situate, lying and being in 5th
Election District of Baltimore County, aforesaid, and described as follows, that is to say:—

Beginning from the first thereof at a stone the end of the 20th line of a deed of conveyance From the State of Maryland to Melchior Fowble dated February 4, 1863; and running thence bounding on said dead reverently, north 38 degrees east 25 perches to a linc stone,
north 26½ degrees west 9 perches to a stone, north 76½ degrees west 22 perches to a stone, south
26½ degrees east 42 perches to a point lying on Grant May's land, south 42-¾-¼ degrees west 18 perches to a
stone, south 6½ degrees east 14 perches to a point in the Yocho Road, thence bounding
thereon, south 27½ degrees east 11-2/3 perches, thence north 11½ degrees east 11½ perches, south 1 perch
to a stone on the east edge corner of Thomas J. Ryan's tract, still south 11½ degrees east 6-1/5 perches to a
line stone, south 31½ degrees east 24 perches to a line stone, south 36½ degrees east
11½ perches to a point in or near the center of the Yocho Road, thence bounding on said
road, south 50½ degrees east 14.9 perches to a stone in the east edge corner of a stone on the west
side of road, south 36 perches, thence north 38 degrees east 5 perches to a stone, south 37 degrees east
34½ inches to a stone, south 51 degrees west 50 perches to a stone, south 68 degrees west 16.
perches to a stone, south 31 degrees east 11.4 perches to a stone, dated October 14,
1875, thence bound thereon, still south 31° 31' degrees east 10 perches to a stone,
south 51° 51' degrees east 76.4 perches to a stone on the west edge of the Yocho Road,
thence south 51 degrees east 19.2 perches to a stone on the east side of said road, bounded No. 3, north
George Bruhl's lot, thence north 85 degrees east 52 perches to a stone, dated August 1st, 1882,
thence south 51 degrees east 85 degrees east 52 perches to the end of the 2nd line of a deed from Thomas J.
Ryan Assignee, Frederick D. Thompson, dated February 28, 1910, thence bounding on
said conveyance North 31½ degrees west 29 perches to a point in the north edge of the County
Road and at a distance of 17 feet from a stone on a line between the County Road and
Jacob Elliott dated March 5, 1889, south 71 degrees west 11-1/3 perches, south 76½ degrees
west 8 perches, thence leaving said road, north 14 degrees west 24.6 perches to a stone and



1A00:

1974 BC.Z.R. Pet Ex #3 1A
ARTICLE 1A—RURAL AND RURAL-SUBURBAN LOW-INTENSITY ZONES
[Bill No. 100, 1970.]

Section 1A00—R. D. P. ZONES (RURAL: DEFERRED-PLANNING). [Bill No. 100, 1970.]

1A00.1—General Provisions. [Bill No. 100, 1970.]

1. ¹ Purpose. The R.D.P. zoning classification is established, pursuant to the legislative findings set forth above, ² in order to:

c. Prevent untimely urban development of relatively open rural land; and

b. Foster conditions favorable to agriculture and other low-intensity uses appropriate in rural areas, considering both the magnitude of total land acreage needed for such uses and the current prospective needs for developable urban land.

[Bill No. 100, 1970.]

Intent as to application of R.D.P. zoning classification to property or removal therefrom. It is intended:

a. That rural land shall be classified within R. D. P. zones unless the Capital Budget and Five-Year Agricultural Program of Baltimore County and duly adopted official Baltimore County master plans, including the "county plan" required under Article 43, Section 387C of the Annotated Code of Maryland, 1957 (1965 Replacement Volume) as amended, all consistently indicate that such land is to be serviced by public sewerage and water-supply systems and, in the case of those said documents which determine the timing of construction, also consistently provide for the adequacy and availability of service to said land by such systems within a particular number of years after the time of consideration with respect to pending classification; provided further, however, that such nonconsented land as is specifically herein described (in this Subparagraph 3^d or other provisions in these regulations) as being appropriately otherwise classified shall also be excepted from the category of land which shall be classified as R. D. P. z.

b. That land classified as R.D.P. shall not be reclassified (rezoned) until such time as the documents hereinabove noted have been officially changed or replaced in kind and thereby then indicate possible appropriateness of reclassification under the criteria hereinbefore stated;

1. The line designating this subparagraph and those immediately following as parts of a Paragraph "A" was deleted from Bill No. 100, 1970 by amendment after introduction.
2. Findings deleted from Bill No. 100, 1970 by amendment after introduction.
3. Now Subparagraph 2, as a result of amendment of Bill No. 100, 1970 after introduction.

PARCEL (E)

Pct Ex #9

Ephraim
#5

Includes
What is
now
Parcel
"B"

Let $Ex \# 10$

Exhibit
#10

Includes
what is
now
PCL
"B"

Per $\bar{L}_X \# 8$

Chifil

Part 9 B

(Parcel A)

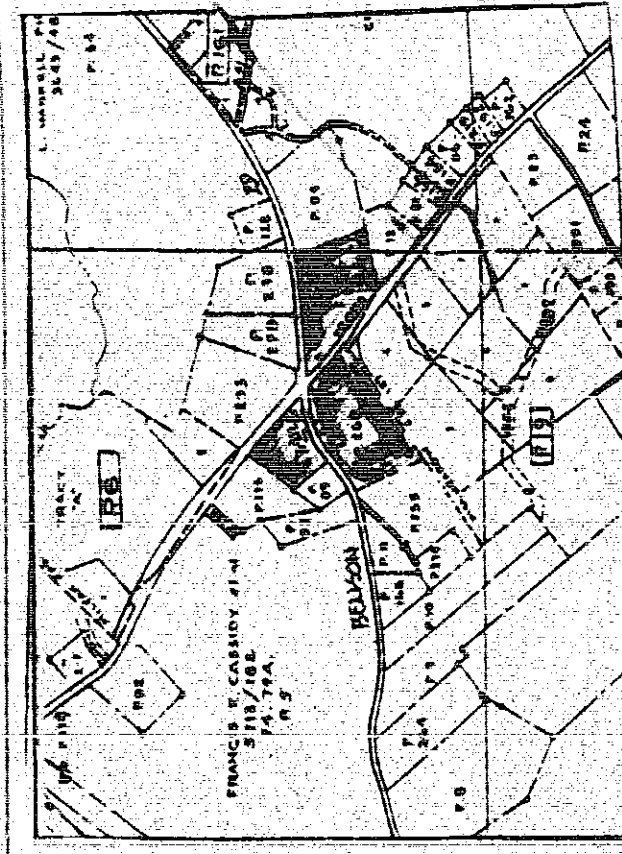
Plot Ex #7

Exhibit
#4

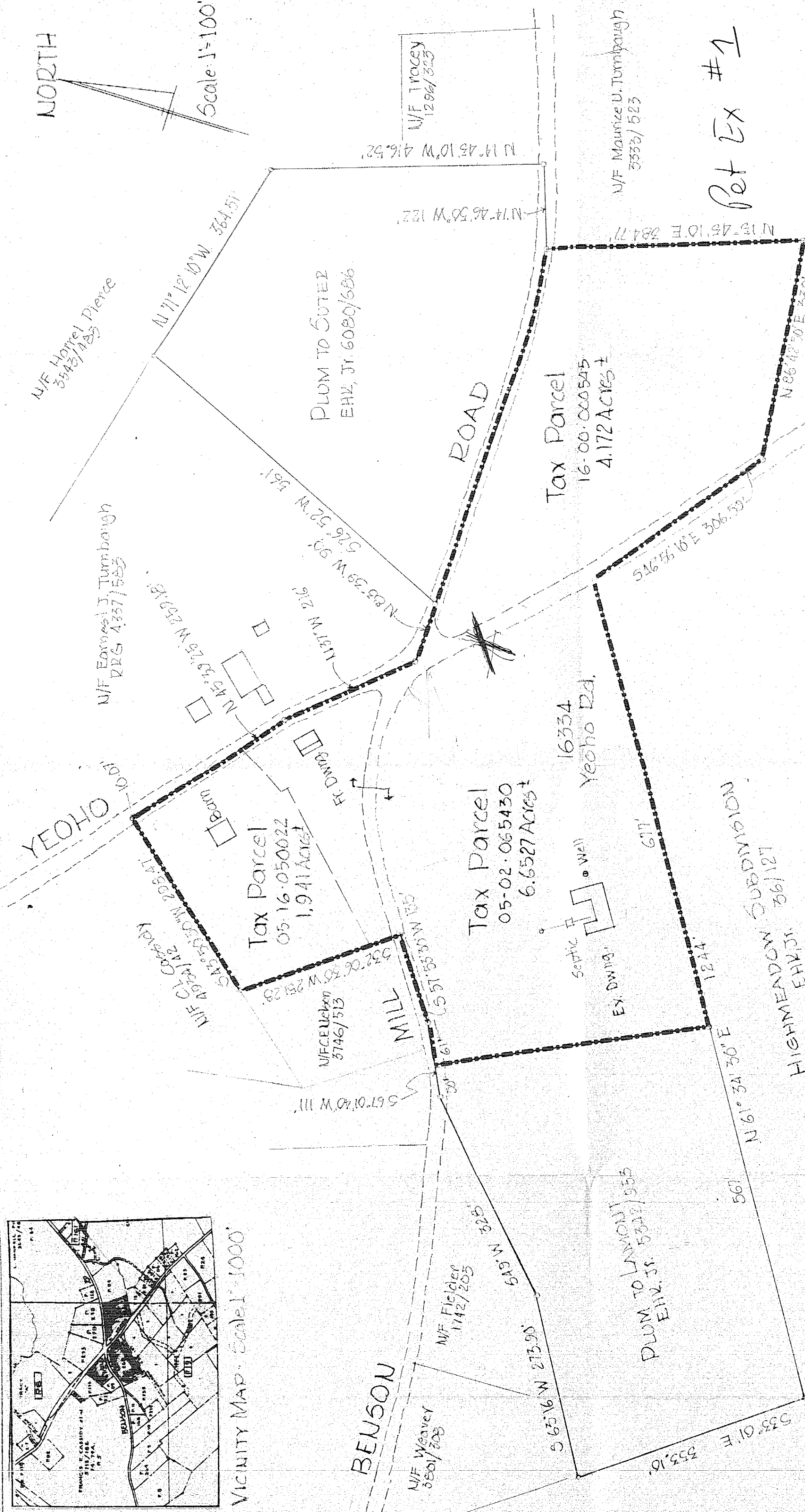
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MICROFILM AND MICROFICHE EDITIONS AVAILABLE FROM THE NATIONAL ARCHIVES AT COLLEGE PARK, MARYLAND. FOR INFORMATION CONTACT: NATIONAL ARCHIVES, COLLEGE PARK, MD 20740-6001. TEL: 800/347-9000. FAX: 301/837-2113.

Micro



VICINITY MAP - Scale 1"=1000'



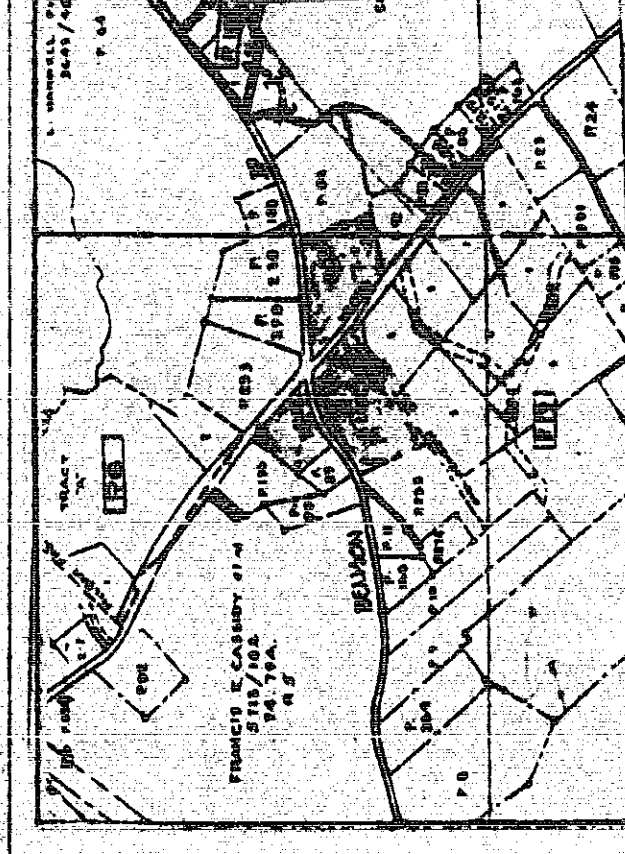
GENERAL NOTES:

- Owner: Raymond F. & Nancy A. Plum
16334 Yecho Road
Sparks, Md 21152
- Deed Ref: Liber 7565/337
- CC District: 3rd. • 200 Scale Zoning Map: NW 26 F.
- Elected District: 5th. • Lot Area: As noted.
- Property is not served by public utilities; onsite systems are private.
- Zoning established by map, no prior zoning hearings.
- This plat is based on descriptions in deed 7565/337 and on prior property plat prepared by Edward Boyce based on deed to Patsy Bruno & Raymond F. Plum dated 6/16/65 and recorded at 4473/16. For zoning purposes only.
- There are no streams, stormwater management or storm drains on property.

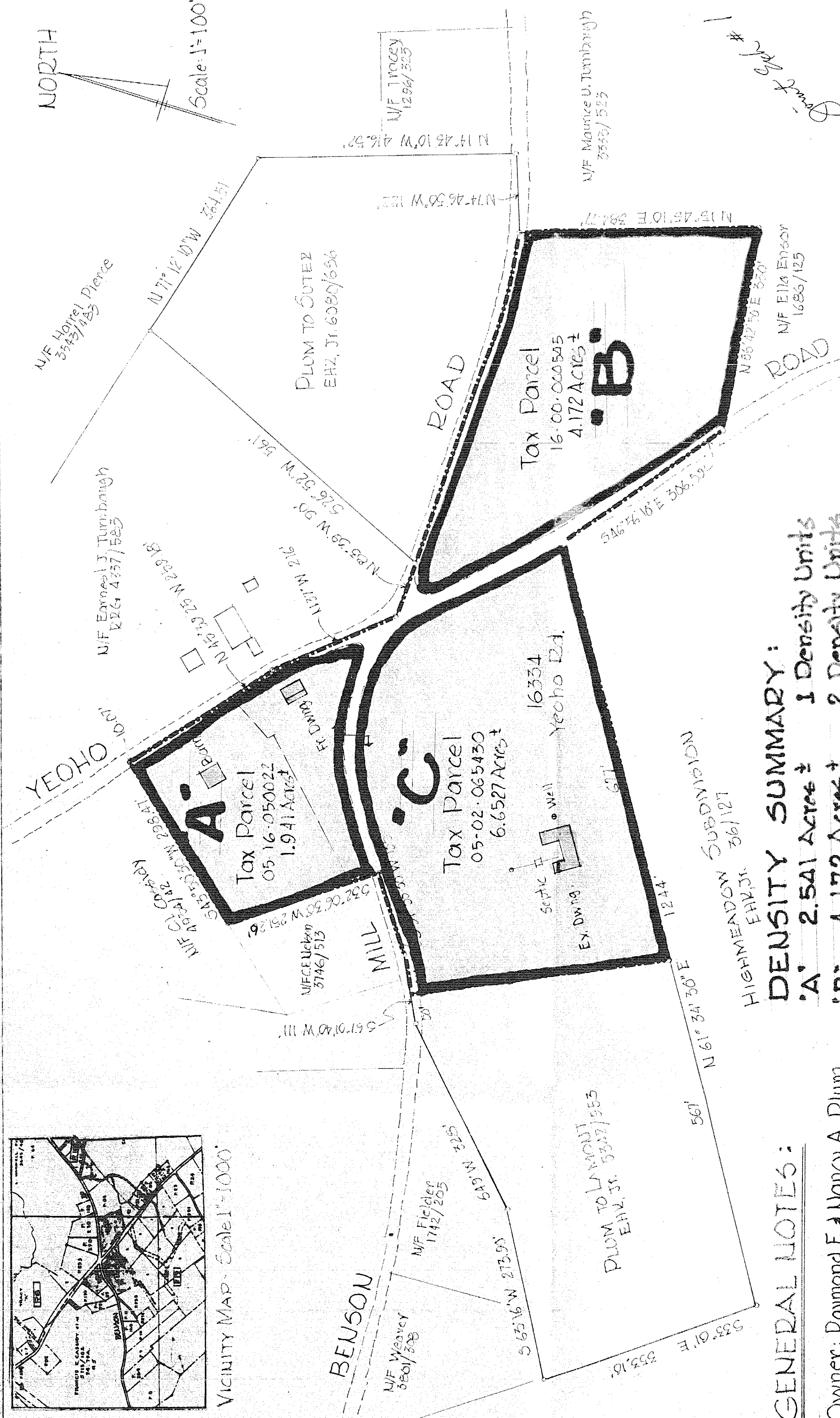
92-484-SPH

PLAT TO ACCOMPANY PROPERTY OWNER'S PETITION FOR SPECIAL HEADING

JUNE 8, 1992 Scale: 1"=100'
Prepared by GEG 6/8/92



VICINITY MAP - Scale 1"=1000'



GENERAL NOTES:

- Owner: Raymond F. & Nancy A. Plum
16334 Yecho Road
Sparks, Md 21152
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- There are no streams, stormwater management or storm drains on property.

DENSITY SUMMARY:

'A'	2.541 Acres ±	1 Density Units
'B'	4.172 Acres ±	2 Density Units
'C'	6.053 Acres ±	1 Density Units

PLAT TO ACCOMPANY PROPERTY OWNER'S PETITION FOR SPECIAL HEADING

JUNE 8, 1992 Scale: 1"=100'
Prepared by GEG 6/8/92